

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1266**

**Introduced by Assembly Member Oropeza Committee on Budget**

February 21, 2003

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~~An act relating to outdoor advertising.~~ *An act to amend Sections 8530, 8531, 17070.75, 33050, 46140, 46141, 46145, 47634.3, 49550.3, 51871, and 60422 of, to add Sections 44259.4 and 44274.3 to, to add Chapter 4.6 (commencing with Section 18880) to Part 11 of, and Chapter 19 (commencing with Section 53200) to Part 28 of, to repeal Sections 1904, 1908, 1909, 1909.5, 8532, 8533, 8534, 8535, 8536, 8537, 8538, 17583, 17584, 17584.1, 17585, 17586, 17587, 17588, 17589, 17590, 17591, 17592, 41976, 41976.1, 41976.2, 42239.15, 46140.1, 46140.5, 47614.5, 47634, 47634.5, 48431.6, 48431.7, 51056, 51871.3, 51871.4, 51872, 51873, 51874, 52247, 60420, 60421, and 60424 of, to repeal Article 8 (commencing with Section 8150) of Chapter 1 of Part 6 of, Article 3.6 (commencing with Section 32228) of Chapter 2 of, and Article 6 (commencing with Section 32296) of Chapter 2.5 of, Part 19 of, Article 6 (commencing with Section 33380) and Article 12 (commencing with Section 33470) of Chapter 3 of Part 20 of, Article 10.3 (commencing with Section 35294) and Article 10.4 (commencing with Section 35294.10) of Chapter 2 of Part 21 of, Article 2 (commencing with Section 39820) of Chapter 1 of Part 23.5 of, Article 9 (commencing with Section 41840) and Article 10 (commencing with Section 41850) of Chapter 5 of, and Article 4.5 (commencing with Section 42290) and Article 4.7 (commencing with Section 42300) of Chapter 7 of, Part 24 of, Article 4.5 (commencing with Section 44279.1) and Article 13 (commencing with Section 44395) of Chapter 2 of,*

*Article 4.5 (commencing with Section 44500) of, Article 7.5 (commencing with Section 44579) of, and Article 10.6 (commencing with Section 44650) of, Chapter 3 of, Article 3 (commencing with Section 44681) of Chapter 3.1 of, and Article 8.5 (commencing with Section 45370) of Chapter 5 of, Part 25 of, Article 7 (commencing with Section 46190) of Chapter 2 of, and Article 5 (commencing with Section 46351) of Chapter 3 of, Part 26 of, Article 2 (commencing with Section 48630) and Article 2.3 (commencing with Section 48643) of Chapter 4 of Part 27 of, Article 4 (commencing with Section 52180) of Chapter 7 of, Article 1 (commencing with Section 52300) of, Article 1.5 (commencing with Section 52335) of, Article 7.5 (commencing with Section 52460) of, and Article 8 (commencing with Section 52480) of, Chapter 9 of, Article 7 (commencing with Section 52900) of Chapter 12 of, and Article 1 (commencing with Section 53025) of Chapter 16 of, Part 28 of, Article 1 (commencing with Section 54000) and Article 2 (commencing with Section 54020) of Chapter 1 of, and Article 4.5 (commencing with Section 54685) of, Article 5 (commencing with Section 54690) of, Article 7 (commencing with Section 54720) of, Article 7.1 (commencing with Section 54740) of, and Article 9 (commencing with Section 54760) of, Chapter 9 of, Part 29 of, to repeal Chapter 4 (commencing with Section 400) of Part 1 of, Chapter 5 (commencing with Section 8810) of Part 6 of, Chapter 12 (commencing with Section 11020) of Part 7 of, Chapter 11.3 (commencing with Section 42920) of Part 24 of, Chapter 3.36 (commencing with Section 44735) and Chapter 3.44 (commencing with Section 44751) of Part 25 of, Chapter 6 (commencing with Section 52000) of, Chapter 6.5 (commencing with Section 52060) of, Chapter 6.8 (commencing with Section 52080) of, Chapter 8 (commencing with Section 52200) of, Chapter 8.3 (commencing with Section 52240) of, Chapter 10 (commencing with Section 52500) of, Chapter 12.5 (commencing with Section 52920) of, and Chapter 18 (commencing with Section 53091) of, Part 28 of, Chapter 2 (commencing with Section 54100) and Chapter 2.5 (commencing with Section 54200) of Part 29 of, Chapter 3.5 (commencing with Section 58550) of, Chapter 5.5 (commencing with Section 58730) of, and Chapter 6 (commencing with Section 58800) of, Part 31 of, and Chapter 8 (commencing with Section 60830) of Part 33 of, and to repeal Part 26.95 (commencing with Section 47750) of, the Education Code, relating to education.*



LEGISLATIVE COUNSEL'S DIGEST

AB 1266, as amended, ~~Oropeza~~ *Committee on Budget*. ~~Outdoor advertising~~ *Education finance*.

(1) Existing law makes adult basic education the responsibility of high school and unified school districts, except if by mutual agreement the responsibility is assigned to a community college district.

This bill would instead permit adult education to be provided by a community college district, or by a high school or unified school district.

(2) Existing law establishes the California Library Literacy Service Program and the Families for Literacy Program.

This bill would additionally establish the California English Acquisition and Literacy Program to reduce illiteracy among children and adults by providing English language literacy instruction and related services to native and nonnative English speaking youth and adults residing in California.

(3) Existing law establishes various categorical aid programs under which funding is provided for specific educational purposes. Existing law establishes the Pilot Project for Categorical Education Program Flexibility under which a participating school district may expend funds within each of 3 clusters for the general purposes associated with the categorical education programs in those clusters.

This bill would establish the instructional improvement block grant program for kindergarten and grades 1 to 12, inclusive, and would require local educational agencies to use the block grant funds for purposes of professional development, instructional materials and technology, specialized and targeted instruction programs, school safety, pupil services, and facilities maintenance or any of the general purposes authorized by specified categorical education programs, which the bill would repeal.

(4) Existing law establishes the Instructional Materials Funding Realignment Program, makes the program inoperative on July 1, 2007, and repeals it on January 1, 2008.

This bill would make the program permanent.

(5) Existing law establishes the Reader Employment Fund in the State Treasury, to be administered by the Superintendent of Public Instruction, from which each applicant school district, county superintendent of schools, and state special school or center is allocated an amount sufficient to provide the legally blind certificated

classroom teachers employed by the applicant with the services of a reader for a maximum of 15 hours per school week.

The bill would transfer the balance of that fund to the Proposition 98 reversion account.

~~Existing provisions of the Outdoor Advertising Act regulate the placement of off-premise advertising displays along highways, which generally are displays advertising business conducted or services rendered or goods produced or sold at a location other than the property upon which the display is located.~~

~~This bill would declare the Legislature's intent to revise the Outdoor Advertising Act in order to enhance the business climate within the jurisdiction of cities, counties, school districts, and special districts and to create a new source of revenue for those local agencies.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1.— It is the intent of the Legislature to revise the~~
- 2    ~~SECTION 1. Chapter 4 (commencing with Section 400) of~~
- 3    ~~Part 1 of the Education Code is repealed.~~
- 4    ~~SEC. 2. Section 1904 of the Education Code is repealed.~~
- 5    ~~1904. For all schools or classes maintained by the county~~
- 6    ~~superintendent of schools as authorized by Section 1906 in any~~
- 7    ~~county jail, county honor farm, or any county industrial farm or~~
- 8    ~~county or joint county road camp, the Superintendent of Public~~
- 9    ~~Instruction shall allow the amount computed under Section 1909.~~
- 10    ~~For purposes of this section, the Superintendent of Public~~
- 11    ~~Instruction shall, by rules and regulations, establish minimum~~
- 12    ~~standards for the conduct of the schools or classes, including, but~~
- 13    ~~not necessarily limited to, class size, attendance requirements, and~~
- 14    ~~requirements concerning records to be kept and reports to be~~
- 15    ~~submitted.~~
- 16    ~~SEC. 3. Section 1908 of the Education Code is repealed.~~
- 17    ~~1908. (a) The board of supervisors of the county shall~~
- 18    ~~transfer from the general fund of the county to the county school~~
- 19    ~~service fund of the county superintendent of schools such sums, in~~
- 20    ~~excess of the amount of money received from the state by the~~
- 21    ~~county superintendent of schools, as the county board of education~~
- 22    ~~has deemed necessary to maintain the school programs in the~~



1 ~~county jail, county honor farm, county industrial farm or county~~  
2 ~~or joint county road camps as described in Section 1906.~~

3 ~~(b) The board of supervisors, in lieu of proceeding under~~  
4 ~~subdivision (a), shall agree with the governing board of the school~~  
5 ~~district providing classes or schools for prisoners, to transfer from~~  
6 ~~the general fund of the county to the general fund of the district~~  
7 ~~such sums, in excess of the amount of money received on the basis~~  
8 ~~of average daily attendance in such programs, as is necessary to~~  
9 ~~maintain its school programs in the county jail, county honor farm,~~  
10 ~~county industrial farm or county or joint county road camps as~~  
11 ~~described in Section 1907.~~

12 *SEC. 4. Section 1909 of the Education Code is repealed.*

13 ~~1909. (a) From funds appropriated for allocation pursuant to~~  
14 ~~Sections 2558 and 41841.5, for each county superintendent of~~  
15 ~~schools who maintained schools or classes for adults in~~  
16 ~~correctional facilities in the 1981-82 fiscal year pursuant to~~  
17 ~~Section 1906, and who continues to maintain those schools or~~  
18 ~~classes in each fiscal year thereafter, the Superintendent of Public~~  
19 ~~Instruction shall allow in the 1982-83 fiscal year and each fiscal~~  
20 ~~year thereafter, an amount equal to the actual current expenses of~~  
21 ~~the program, but not to exceed an amount determined as follows:~~

22 ~~(1) Compute the prior year statewide average revenue limit per~~  
23 ~~unit of average daily attendance for adults, increased by the~~  
24 ~~amount specified in Section 52616.16 for the current fiscal year.~~

25 ~~(2) Multiply the amount computed in paragraph (1) by the~~  
26 ~~average daily attendance of the schools or classes in the current~~  
27 ~~fiscal year.~~

28 ~~(3) Multiply the product determined in paragraph (2) for each~~  
29 ~~fiscal year by 0.8.~~

30 ~~(b) Notwithstanding subdivision (a), for the 1993-94 and~~  
31 ~~1994-95 fiscal years, in no event shall the amount allowed to a~~  
32 ~~county superintendent of schools for each unit of average daily~~  
33 ~~attendance pursuant to that subdivision exceed the statewide~~  
34 ~~average revenue limit at which adults in correctional facilities~~  
35 ~~were funded in the 1992-93 fiscal year, as adjusted by any~~  
36 ~~cost-of-living adjustment pursuant to Section 42238.1.~~

37 *SEC. 5. Section 1909.5 of the Education Code is repealed.*

38 ~~1909.5. The calculation made pursuant to Section 1909 is~~  
39 ~~subject to Article 9 (commencing with Section 41840) of Chapter~~  
40 ~~5 of Part 24.~~

1 SEC. 6. Article 8 (commencing with Section 8150) of Chapter  
2 1 of Part 6 of the Education Code is repealed.

3 SEC. 7. Section 8530 of the Education Code is amended to  
4 read:

5 8530. ~~Adult~~ Commencing with the 2003–04 school year, adult  
6 basic education is the responsibility of high school and unified  
7 school districts except in those instances where by mutual  
8 agreement the responsibility is assigned to a community college  
9 district may be provided by a community college district, high  
10 school or unified school district.

11 SEC. 8. Section 8531 of the Education Code is amended to  
12 read:

13 8531. The granting of a high school diploma ~~program~~ is the  
14 responsibility of the high school and district, unified school  
15 districts, but courses leading to a high school diploma may be  
16 offered by a district, or community college district pursuant to a  
17 mutual agreement that provides the adult education courses that  
18 lead to the fulfillment of the requirements for the high school  
19 diploma.

20 SEC. 9. Section 8532 of the Education Code is repealed.

21 8532. ~~Vocational and occupational training and retraining~~  
22 ~~programs for adults may be made available in high school, unified,~~  
23 ~~and community college districts by mutual agreement.~~

24 SEC. 10. Section 8533 of the Education Code is repealed.

25 8533. ~~Adult continuing education, including but not limited~~  
26 ~~to, parent education, consumer education, civic education,~~  
27 ~~education in special fields, and education in the arts and the~~  
28 ~~humanities, may be made available in high school, unified, and~~  
29 ~~community college districts by mutual agreement.~~

30 SEC. 11. Section 8534 of the Education Code is repealed.

31 8534. ~~Programs for adults involving postsecondary programs~~  
32 ~~that meet the standards prescribed by the Board of Governors of~~  
33 ~~the California Community Colleges for credit and noncredit~~  
34 ~~courses are the responsibility of community college districts.~~

35 SEC. 12. Section 8535 of the Education Code is repealed.

36 8535. (a) ~~When governing boards agree to transfer an~~  
37 ~~existing program all legal and contractual obligations of either or~~  
38 ~~both districts under the program shall be clearly stated, with~~  
39 ~~appropriate time requirements, in the written transfer agreement~~  
40 ~~approved by the affected governing boards.~~



~~(b) The written transfer agreement approved pursuant to subdivision (a) shall specify the number of units of average daily attendance and the revenue per unit of average daily attendance proposed to be transferred from the district with the existing program. A true copy of the transfer agreement shall be forwarded to the Superintendent of Public Instruction or the Chancellor of the California Community Colleges, or both, as appropriate, no later than three months prior to the effective date of the program transfer.~~

~~(c) When part or all of an existing program of a high school or unified school district is to be transferred to a community college district by mutual agreement of the affected governing boards, the transfer agreement shall specify that only courses that qualify as community college noncredit education under Section 84711 shall be transferred. A true copy of the complete transfer agreement shall be forwarded by the community college district to the Chancellor of the California Community Colleges as specified in subdivision (b).~~

~~When part or all of an existing program of a community college district is transferred to a high school or unified school district by mutual agreement of the affected governing boards, the transfer agreement shall specify that only those adult education courses that are described under Section 41976 shall be transferred. A true copy of the complete transfer agreement shall be forwarded by the high school or unified school district to the Superintendent of Public Instruction as specified in subdivision (b).~~

~~(d) The Chancellor of the California Community Colleges and the Superintendent of Public Instruction shall jointly verify and approve the courses, the units of average daily attendance, and the revenue per unit of average daily attendance, including applicable inflation adjustment, if any, to be transferred under this section. Additional units of average daily attendance reported by the community college district, or the high school or unified school district, as a result of the transfer shall not be subject to any statutory limitations on fundable increases in average daily attendance, but shall be subject in subsequent years to statutory calculations of noncredit base revenue and units of average daily attendance of the community college district, or the adult base revenue and units of average daily attendance of the high school or unified school district, as applicable.~~

1 ~~(c) The Chancellor of the California Community Colleges and~~  
2 ~~the Superintendent of Public Instruction shall jointly determine~~  
3 ~~the amount of apportionment to be transferred or reappropriated;~~  
4 ~~pursuant to subdivision (d), from the affected Budget Act~~  
5 ~~appropriation of the State School Fund by multiplying the units of~~  
6 ~~average daily attendance to be transferred by the revenue limit per~~  
7 ~~unit of average daily attendance of the transferring district at the~~  
8 ~~time of the transfer. The chancellor and the Superintendent of~~  
9 ~~Public Instruction shall submit appropriate budget documents to~~  
10 ~~the Department of Finance for approval of the transfer of funds~~  
11 ~~from the applicable appropriation. The Director of Finance shall~~  
12 ~~approve that transfer.~~

13 *SEC. 13. Section 8536 of the Education Code is repealed.*

14 ~~8536. The governing board of every district affected by this~~  
15 ~~chapter shall make all reasonable efforts to reach a mutual~~  
16 ~~agreement when such an agreement is required and shall develop~~  
17 ~~procedures for this purpose.~~

18 *SEC. 14. Section 8537 of the Education Code is repealed.*

19 ~~8537. If a mutual agreement cannot be reached by the district~~  
20 ~~governing boards, the points of disagreement shall be resolved by~~  
21 ~~the State Board of Education and the Board of Governors of the~~  
22 ~~California Community Colleges.~~

23 *SEC. 15. Section 8538 of the Education Code is repealed.*

24 ~~8538. Effective July 1, 1977, (a) for noncredit classes or~~  
25 ~~programs offered in community colleges pursuant to this chapter,~~  
26 ~~average daily attendance for state apportionment purposes shall~~  
27 ~~only be calculated for such classes or programs which by mutual~~  
28 ~~agreement are the responsibility of the community colleges~~  
29 ~~pursuant to Sections 8530 and 8531; and (b) for noncredit classes~~  
30 ~~or programs offered in the community colleges and for classes for~~  
31 ~~adults offered in high schools or adult schools pursuant to this~~  
32 ~~chapter, average daily attendance for state apportionment~~  
33 ~~purposes shall only be calculated for such classes or programs~~  
34 ~~which by mutual agreement are the responsibility of the~~  
35 ~~community colleges or of the high school or unified school~~  
36 ~~districts pursuant to Sections 8532 and 8533.~~

37 *SEC. 16. Chapter 5 (commencing with Section 8810) of Part*  
38 *6 of the Education Code is repealed.*

39 *SEC. 17. Chapter 12 (commencing with Section 11020) of*  
40 *Part 7 of the Education Code is repealed.*



1     *SEC. 18. Section 17070.75 of the Education Code is amended*  
2     *to read:*

3     17070.75. (a) The board shall require the school district to  
4     make all necessary repairs, renewals, and replacements to ensure  
5     that a project is at all times kept in good repair, working order, and  
6     condition. All costs incurred for this purpose shall be borne by the  
7     school district.

8     (b) In order to ensure compliance with subdivision (a) and to  
9     encourage school districts to maintain all buildings under their  
10    control, the board shall require an applicant school district to do  
11    all of the following prior to the approval of a project:

12    (1) Establish a restricted account within the school district's  
13    general fund for the exclusive purpose of providing moneys for  
14    ongoing and major maintenance of school buildings, according the  
15    highest priority to funding for the purposes set forth in subdivision  
16    (a).

17    (2) Agree to deposit into the account established pursuant to  
18    paragraph (1), in each fiscal year for 20 years after receipt of funds  
19    under this chapter, a minimum amount equal to or greater than 3  
20    percent of the applicant school district's total general fund  
21    expenditures, including other financing uses, for that fiscal year.  
22    ~~For the 1998-99 fiscal year and the 1999-2000 fiscal year, a~~  
23    ~~school district may phase in this requirement by agreeing to certify~~  
24    ~~the deposit of no less than 2 percent for the 1998-99 fiscal year and~~  
25    ~~no less than 2 1/2 percent for the 1999-2000 fiscal year. Annual~~  
26    ~~deposits to the fund established pursuant to paragraph (1) in excess~~  
27    ~~of 2 1/2 percent of the district general fund budget may count~~  
28    ~~towards the district's matching funds requirement necessary to~~  
29    ~~receive apportionments from the State School Deferred~~  
30    ~~Maintenance Fund pursuant to Section 17584 to the extent that~~  
31    ~~funds are used for purposes that qualify for funding under that~~  
32    ~~section.~~ In addition, any district contribution to this fund may be  
33    provided in lieu of meeting the ongoing maintenance requirements  
34    pursuant to Section 17014 to the extent the funds are used for  
35    purposes established in that section. A school district that serves  
36    as the administrative unit for a special education local plan area  
37    may elect to exclude from its total general fund expenditures, for  
38    purposes of this paragraph, the distribution of revenues that are  
39    passed through to participating members of the special education

1 local plan area. This paragraph is applicable only to the following  
2 school districts:

3 (A) High school districts with an average daily attendance  
4 greater than 300 pupils.

5 (B) Elementary school districts with an average daily  
6 attendance greater than 900 pupils.

7 (C) Unified school districts with an average daily attendance  
8 greater than 1,200 pupils.

9 (3) Certify that it has publicly approved an ongoing and major  
10 maintenance plan that outlines the use of the funds deposited, or  
11 to be deposited, pursuant to paragraph (2). The plan may provide  
12 that the district need not expend all of its annual allocation for  
13 ongoing and major maintenance in the year in which it is deposited  
14 if the cost of major maintenance requires that the allocation be  
15 carried over into another fiscal year. However, any state funds  
16 carried over into a subsequent year ~~shall~~ *may* not be counted  
17 toward the annual minimum contribution by the district. A plan  
18 developed in compliance with this section ~~shall be deemed to meet~~  
19 *meets* the requirements of Section 17585.

20 (c) A district to which paragraph (2) of subdivision (b) does not  
21 apply shall certify to the board that it can reasonably maintain its  
22 facilities with a lesser level of maintenance.

23 (d) For the purposes of calculating a county office of education  
24 requirement pursuant to this section, the 3 percent maintenance  
25 requirement shall be calculated based upon the county office of  
26 education general fund, less any restricted accounts.

27 *SEC. 19. Section 17583 of the Education Code is repealed.*

28 ~~17583. Notwithstanding Section 17582, whenever the state~~  
29 ~~funds provided pursuant to Sections 17584 and 17585 are~~  
30 ~~insufficient to fully match the local funds deposited in the deferred~~  
31 ~~maintenance fund, the governing board of each school district may~~  
32 ~~transfer the excess local funds deposited in that fund to any other~~  
33 ~~expenditure classifications in other funds of the district. A~~  
34 ~~resolution providing for the transfer shall be approved by a~~  
35 ~~two-thirds vote of the governing board members and filed with the~~  
36 ~~county superintendent of schools and the county auditor.~~

37 *SEC. 20. Section 17584 of the Education Code is repealed.*

38 ~~17584. (a) The State Allocation Board shall apportion, from~~  
39 ~~the State School Deferred Maintenance Fund, to school districts an~~  
40 ~~amount equal to one dollar (\$1) for each one dollar (\$1) of local~~

~~funds up to a maximum of  $\frac{1}{2}$  percent of the district's second prior fiscal year revenue limit average daily attendance multiplied by the average, per unit of second prior fiscal year average daily attendance, of the total expenditures and ending fund balances of the total general funds and adult education funds for districts of similar size and type, as defined in subdivision (b) of Section 42238.4, for the second prior fiscal year, exclusive of any amounts expended for capital outlay, debt service, or revenues that are passed through to other local education agencies, to the extent of funds available.~~

~~(b) In order to be eligible to receive state aid pursuant to subdivision (a), no district shall be required to budget from local district funds an amount greater than  $\frac{1}{2}$  percent of the district's second prior fiscal year revenue limit average daily attendance, multiplied by the average, per unit of second prior fiscal year average daily attendance, of the total expenditures and ending fund balances of the total general funds and adult education funds for districts of similar size and type, as defined in subdivision (b) of Section 42238.4 for the second prior fiscal year, exclusive of any amounts expended for capital outlay, debt service, or revenues that are passed through to other local educational agencies.~~

~~(c) The apportionment of funds specified in subdivision (a) shall be made by the State Allocation Board after December 1 of each fiscal year.~~

*SEC. 21. Section 17584.1 of the Education Code is repealed.*

~~17584.1. (a) The governing board of a school district shall discuss proposals and plans for expenditure of funds for the deferred maintenance of school district facilities at a regularly scheduled public hearing.~~

~~(b) In any year that the school district does not set aside  $\frac{1}{2}$  of one percent of its current year revenue limit average daily attendance for deferred maintenance, the governing board of a school district shall submit a report to the Legislature by March 1, with copies to the Superintendent of Public Instruction, the State Board of Education, the Department of Finance, and the State Allocation Board.~~

~~(c) The report required pursuant to subdivision (b) shall include all of the following:~~

~~(1) A schedule of the complete school facilities deferred maintenance needs of the school district for the current year, including a schedule of costs per schoolsite and total costs.~~

~~(2) A detailed description of the school district's spending priorities for the current year, and an explanation of why those priorities, or any other considerations, have prevented the school district from setting aside sufficient local funds so as to permit it to fully fund its deferred maintenance program and, if eligible, to participate in the state deferred maintenance funding program as set forth in Section 17584.~~

~~(3) An explanation of how the governing board of a school district plans to meet its current year facilities deferred maintenance needs without setting aside the funds set forth in Section 17584.~~

~~(d) Copies of the report shall be made available at each schoolsite within the school district and shall be provided to the public upon request.~~

~~(e) The purposes of this section is to inform the public regarding the local decisionmaking process relating to the deferred maintenance of school facilities, and to provide a foundation for local accountability in that regard.~~

*SEC. 22. Section 17585 of the Education Code is repealed.*

~~17585. (a) School districts may submit applications to the State Allocation Board for deferred maintenance funding in addition to the amounts specified in Section 17584. In order to be eligible for an additional apportionment, a school district shall do all of the following:~~

~~(1) Certify that if an additional apportionment is provided, the district will have matched the additional apportionment amount with an equal amount of district funds that have not been previously used as a match for state aid.~~

~~(2) Certify an additional claim of not greater than one-half of 1 percent of the district's current-year revenue limit average daily attendance, multiplied by the average, per unit of average daily attendance, of the total general funds and adult education funds budgeted by districts of similar size and type, as defined in Section 42238.4 for the prior fiscal year, excluding any amounts budgeted for capital outlay or debt service, but including adult education funds.~~

1 ~~(3) Certify that any additional funds will be used to meet~~  
2 ~~deferred maintenance identified in the district's five-year deferred~~  
3 ~~maintenance plan.~~

4 ~~(b) The State Allocation Board shall establish rules and~~  
5 ~~regulations regarding the formulas used to apportion additional~~  
6 ~~funds pursuant to this section.~~

7 ~~(c) It is the intent of the Legislature that state funds for deferred~~  
8 ~~maintenance be drawn first from excess bond repayments by~~  
9 ~~school districts, revenues pursuant to subdivision (f) of Section~~  
10 ~~6217 of the Public Resources Code, and proceeds from existing~~  
11 ~~general obligation bonds.~~

12 *SEC. 23. Section 17586 of the Education Code is repealed.*

13 ~~17586. Notwithstanding any limitations imposed as a result of~~  
14 ~~actions taken by the State Allocation Board pursuant to Section~~  
15 ~~17462, a school district shall be eligible to receive an~~  
16 ~~apportionment pursuant to subdivision (b) of Section 17584, if it~~  
17 ~~meets all of the following criteria:~~

18 ~~(a) There are excess revenues that resulted from the sale of~~  
19 ~~surplus sites upon which there was no encumbrance to the board.~~

20 ~~(b) The Superintendent of Public Instruction has verified all of~~  
21 ~~the following:~~

22 ~~(1) The district had a fiscal emergency in any one or both of the~~  
23 ~~1987-88 and 1988-89 fiscal years.~~

24 ~~(2) The fiscal emergency was caused primarily by required~~  
25 ~~expenditures.~~

26 ~~(3) The district has taken reasonable steps to address the fiscal~~  
27 ~~emergency.~~

28 *SEC. 24. Section 17587 of the Education Code is repealed.*

29 ~~17587. (a) Notwithstanding the limitations of Section 17584,~~  
30 ~~the State Allocation Board may each year reserve an amount not~~  
31 ~~to exceed 10 percent of the funds transferred from any source to~~  
32 ~~the State School Deferred Maintenance Fund for apportionments~~  
33 ~~to school districts, in instances of extreme hardship. The~~  
34 ~~apportionment shall be in addition to the apportionments made~~  
35 ~~pursuant to Section 17584. Not less than one-half of all funds made~~  
36 ~~available by this section shall be apportioned to school districts~~  
37 ~~that had an average daily attendance, excluding summer session~~  
38 ~~attendance, of less than 2,501 during the prior fiscal year.~~

~~An extreme hardship shall exist in a school district when the State Allocation Board determines the existence of all of the following:~~

~~(1) That the district has deposited in its deferred maintenance fund an amount equal to at least 0.5 percent of the total general funds and adult education funds budgeted by the district for the fiscal year, exclusive of any amounts budgeted for capital outlay or debt service.~~

~~(2) That the district has a critical project on its five-year plan which if not completed in one year could result in serious damage to the remainder of the facility or would result in a serious hazard to the health and safety of the pupils attending the facility.~~

~~(3) That the total funds deposited by the district and the state pursuant to Section 17584 are insufficient to complete the project.~~

~~(b) As a result of the determination made in subdivision (a), the State Allocation Board may increase the apportionment to a school district by the amount it determines necessary to complete the critical project.~~

~~(c) Notwithstanding subdivision (a), in any fiscal year in which the State Allocation Board has apportioned all funding from the State School Deferred Maintenance Fund for which school districts have qualified under Section 17584, the board may apportion any amount remaining in that fund for the purposes of this section.~~

*SEC. 25. Section 17588 of the Education Code is repealed.*

~~17588. As a result of the determination made in Section 17587, the State Allocation Board may do any of the following:~~

~~(a) Increase the apportionment to an eligible school district by the amount it determines necessary to complete the critical project, and require a contribution by the district.~~

~~(b) Waive repayment by the district, in whole or in part.~~

~~(c) Reduce state apportionments pursuant to Section 17584 in future years to offset the increased apportionment.~~

~~The State Allocation Board shall develop and adopt regulations for the application of subdivisions (a), (b), and (c). The regulations may give consideration to a school district's financial resources, ongoing deferred maintenance needs, and the nature of the project for which the hardship apportionment is requested.~~



1     ~~The waiver authorized in subdivision (b) may be applied by the~~  
2 ~~board to any repayment otherwise required by law, regardless of~~  
3 ~~apportionment date.~~

4     ~~SEC. 26. Section 17589 of the Education Code is repealed.~~

5     ~~17589. The State Allocation Board shall develop board~~  
6 ~~policies for the apportionment of funds appropriated for the~~  
7 ~~containment or removal of asbestos materials in schools pursuant~~  
8 ~~to Section 49410. The policies shall provide for the allocation of~~  
9 ~~funds on a matching basis, or the board may determine, based on~~  
10 ~~each application, to increase the allocation to any school district~~  
11 ~~by the amount it determines is necessary to complete critical~~  
12 ~~projects. In making policies pursuant to this section, the board may~~  
13 ~~establish funding priorities based on a determination in each~~  
14 ~~instance as to the imminence of the health hazard posed by the~~  
15 ~~asbestos materials.~~

16     ~~SEC. 27. Section 17590 of the Education Code is repealed.~~

17     ~~17590. The Asbestos Abatement Fund is hereby created, and~~  
18 ~~notwithstanding Section 13340 of the Government Code, all~~  
19 ~~moneys deposited in this fund are continuously appropriated to be~~  
20 ~~administered by the State Allocation Board for the purpose of~~  
21 ~~making allocations to school districts and county offices of~~  
22 ~~education pursuant to Sections 17589 and 49410.~~

23     ~~SEC. 28. Section 17591 of the Education Code is repealed.~~

24     ~~17591. Each district desiring an apportionment pursuant to~~  
25 ~~Section 17584 shall file with the State Allocation Board and~~  
26 ~~receive approval of a five-year plan of the maintenance needs of~~  
27 ~~the district over that five-year period. This plan may be amended~~  
28 ~~from time to time. Any expenditure of funds from the district~~  
29 ~~deferred maintenance fund shall conform to the plan approved by~~  
30 ~~the State Allocation Board.~~

31     ~~SEC. 29. Section 17592 of the Education Code is repealed.~~

32     ~~17592. From any moneys in the State School Deferred~~  
33 ~~Maintenance Fund, the board shall make available to the Director~~  
34 ~~of General Services such amounts as it determines necessary to~~  
35 ~~provide the assistance, pursuant to this chapter, required by~~  
36 ~~Section 15504 of the Government Code.~~

37     ~~SEC. 30. Chapter 4.6 (commencing with Section 18880) is~~  
38 ~~added to Part 11 of the Education Code, to read:~~  
39

1 CHAPTER 4.6. CALIFORNIA ENGLISH ACQUISITION and LITERACY  
2 PROGRAM  
3

4 18880. (a) *The California English Acquisition and Literacy*  
5 *Program is hereby established within the California State Library*  
6 *as a public library program designed to reduce illiteracy among*  
7 *children and adults by providing English language literacy*  
8 *instruction and related services to native and nonnative English*  
9 *speaking youth and adults residing in California. For purposes of*  
10 *this article, ‘English language literacy instruction’ means the*  
11 *development of basic skills of speaking, reading, and writing in the*  
12 *English language.*

13 (b) *The California State Library shall allocate funds*  
14 *appropriated in the Budget Act for the California English*  
15 *Acquisition and Literacy Program to local library jurisdictions*  
16 *that are effectively providing literacy services.*

17 (c) *At local discretion, jurisdictions may use their allocation*  
18 *from the State Literacy Program for any of the services described*  
19 *in Section 18737.*

20 (d) *The California State Library shall provide local*  
21 *jurisdictions with technical assistance to the extent that resources*  
22 *are available for this purpose.*

23 18881. *The California English Acquisition and Literacy*  
24 *Program for public libraries may be used for any of the following:*

25 (a) (1) *Services designed to reduce adult illiteracy by*  
26 *providing English language literacy instruction and related*  
27 *services to adults and youth who are not enrolled in school. A*  
28 *participating public library may establish an adult literacy*  
29 *instructional program that provides adult basic literacy*  
30 *instruction and related services. Participant learning shall be*  
31 *evaluated on the basis of statewide guidelines established by the*  
32 *State Librarian.*

33 (2) *The public library shall do all of the following in*  
34 *establishing and implementing the program:*

35 (A) *Seek community and local government awareness of and*  
36 *support for the program and develop a local commitment of*  
37 *resources for the program’s continuation.*

38 (B) *Develop cooperative relationships with other local literacy*  
39 *service providers and participate in existing community adult*  
40 *literacy coalitions, in order to address the wide variety of literacy*

1 *needs of the community and ensure an effective utilization of*  
2 *resources. The public library shall assist in the establishment of a*  
3 *community adult literacy coalition if none currently exists.*

4 *(C) Recruit and train volunteers to provide tutoring and other*  
5 *services in public library and other community settings.*

6 *(D) Certify that the local jurisdiction will provide the same*  
7 *level of local and private fiscal support as it did in the preceding*  
8 *fiscal year.*

9 *(b) (1) Services to prevent illiteracy through coordinated*  
10 *literacy and preliteracy services to families that include illiterate*  
11 *adults and young children. The program shall provide reading*  
12 *preparation services for young children in public library settings*  
13 *and shall instruct parents in reading to their children. In addition,*  
14 *the program shall provide technical assistance, parent support,*  
15 *and any resources and materials necessary for its implementation.*

16 *(2) A public library implementing this service shall meet all of*  
17 *the following requirements:*

18 *(A) Offer new services to families with young children with the*  
19 *goal of helping the children become successful readers by*  
20 *increasing their general competence, self-confidence, and positive*  
21 *emotional associations with reading as a family experience and*  
22 *familiarity with the lifelong use of library resources. Recruitment*  
23 *of parents not previously included in public library literacy*  
24 *programs is a high priority.*

25 *(B) Families eligible for the program shall include, but not be*  
26 *limited to, those with young children up to the age of five years.*

27 *(C) Program meetings shall be held in public library settings.*

28 *(D) The public library literacy program staff and children's*  
29 *services staff shall work in close coordination with the State*  
30 *Library in administering the program to assure maximum*  
31 *integration of literacy services to parents and preliteracy services*  
32 *to their children.*

33 *(3) Services offered by a public library under this subdivision*  
34 *shall include the following:*

35 *(A) Acquisition of books, of appropriate reading levels for, and*  
36 *containing subjects of interest to, children for ownership by young*  
37 *children of families participating in the program.*

38 *(B) Regular meetings of parents and children in public library*  
39 *settings during hours that are suitable for parents and their*  
40 *children.*

1 (C) *Storytelling, word games, and other exercises designed to*  
2 *promote enjoyment of reading in adults and children.*

3 (D) *Use of children's books and language experience stories*  
4 *from the meetings as material for adult literacy instruction.*

5 (E) *Instruction for parents in book selection and reading aloud*  
6 *to children.*

7 (F) *Services to enhance full family participation and to foster*  
8 *a family environment conducive to reading.*

9 (G) *Assistance to parents in using services in order to access*  
10 *books and other materials on such topics as parenting, child care,*  
11 *health, nutrition, and family life education.*

12 (H) *Other services, as necessary to enable families to*  
13 *participate in the program.*

14 (c) *Services for pupils in kindergarten and grades 1 to 12,*  
15 *inclusive, and their families in local English language learner and*  
16 *literacy programs. Local libraries may offer year-round literacy*  
17 *and English language tutoring in collaboration with nonprofit and*  
18 *other local organizations.*

19 18883. *A local library shall ensure that funds received*  
20 *pursuant to this chapter are exclusively used for expenses resulting*  
21 *from providing English language and literacy services and shall*  
22 *ensure that at least 90 percent of the funds received for the program*  
23 *are expended on direct services and supplies for English language*  
24 *learners and their families.*

25 SEC. 31. *Article 3.6 (commencing with Section 32228) of*  
26 *Chapter 2 of Part 19 of the Education Code is repealed.*

27 SEC. 32. *Article 6 (commencing with Section 32296) of*  
28 *Chapter 2.5 of Part 19 of the Education Code is repealed.*

29 SEC. 33. *Section 33050 of the Education Code is amended to*  
30 *read:*

31 33050. (a) *The governing board of a school district or a*  
32 *county board of education, on a districtwide or countywide basis*  
33 *or on behalf of one or more of its schools or programs, after a*  
34 *public hearing on the matter, may request the State Board of*  
35 *Education to waive all or part of any section of this code or any*  
36 *regulation adopted by the State Board of Education that*  
37 *implements a provision of this code that may be waived, except:*

38 (1) *Article 1 (commencing with Section 15700) and Article 2*  
39 *(commencing with Section 15780) of Chapter 4 of Part 10.*

40 (2) *Chapter 6 (commencing with Section 16000) of Part 10.*

(3) Chapter 12 (commencing with Section 17000), Chapter 12.5 (commencing with Section 17070.10), and Chapter 14 (commencing with Section 17085) of Part 10.

(4) Part 13 (commencing with Section 22000).

(5) Section 35735.1.

(6) Paragraph (8) of subdivision (a) of Section 37220.

(7) The following provisions of Part 10.5 (commencing with Section 17211):

(A) Chapter 1 (commencing with Section 17211).

(B) Article 1 (commencing with Section 17251) to Article 6 (commencing with Section 17365), inclusive, of Chapter 3.

(C) Sections 17416 to 17429, inclusive; Sections 17459 and 17462 and subdivision (a) of Section 17464; and Sections 17582 to 17592, inclusive.

(8) The following provisions of Part 24 (commencing with Section 41000):

(A) Sections 41000 to 41360, inclusive.

(B) Sections 41420 to 41423, inclusive.

(C) Sections 41600 to ~~41866~~ 41835, inclusive.

(D) Sections 41920 to 42911, inclusive.

~~(9) Sections 44504 and 44505.~~

~~(10)~~ Article 3 (commencing with Section 44930) of Chapter 4 of Part 25 and regulations in Title 5 of the California Code of Regulations adopted pursuant to Article 3 (commencing with Section 44930) of Chapter 4 of Part 25.

~~(11)~~

~~(10)~~ Part 26 (commencing with Section 46000).

~~(12)~~

~~(11)~~ Chapter 6 (commencing with Section 48900) and Chapter 6.5 (commencing with Section 49060) of Part 27.

~~(13)~~

~~(12)~~ Section 51513.

~~(14)~~

~~(13)~~ Chapter 6.10 (commencing with Section 52120) of Part 28, relating to class size reduction.

~~(15)~~

~~(14)~~ Section 52163.

~~(16)~~

~~(15)~~ The identification and assessment criteria relating to any categorical aid program, including Sections 52164.1 and 52164.6.

1 ~~(17)–~~

2 ~~(16)~~ Sections 52165, 52166, and 52178.

3 ~~(18)–~~

4 ~~(17)~~ Article 3 (commencing with Section 52850) of Chapter 12  
5 of Part 28.

6 ~~(19)–~~

7 ~~(18)~~ Section 56364.1, except that this restriction shall not  
8 prohibit the State Board of Education from approving any waiver  
9 of Section 56364 or Section 56364.2, as applicable, relating to full  
10 inclusion.

11 ~~(20)–~~

12 ~~(19)~~ Article 4 (commencing with Section 60640) of Chapter 5  
13 of Part 33, relating to the STAR Program, and any other provisions  
14 of Chapter 5 (commencing with Section 60600) of Part 33 that  
15 establish requirements for the STAR Program.

16 (b) Any waiver of provisions related to the programs identified  
17 in Section 52851 shall be granted only pursuant to Article 3  
18 (commencing with Section 52850) of Chapter 12 of Part 28.

19 (c) The waiver of an advisory committee required by law shall  
20 be granted only pursuant to Article 4 (commencing with Section  
21 52870) of Chapter 12 of Part 28.

22 (d) Any request for a waiver submitted by the governing board  
23 of a school district or a county board of education pursuant to  
24 subdivision (a) shall include a written statement as to both of the  
25 following:

26 (1) Whether the exclusive representative of employees, if any,  
27 as provided in Chapter 10.7 (commencing with Section 3540) of  
28 Division 4 of Title 1 of the Government Code, participated in the  
29 development of the waiver.

30 (2) The exclusive representative's position regarding the  
31 waiver.

32 ~~(e) Any request for a waiver submitted pursuant to subdivision~~  
33 ~~(a) relating to a regional occupational center or program~~  
34 ~~established pursuant to Article 1 (commencing with Section~~  
35 ~~52300) of Chapter 9 of Part 28, that is operated by a joint powers~~  
36 ~~entity established pursuant to Chapter 5 (commencing with~~  
37 ~~Section 6500) of Division 7 of Title 1 of the Government Code,~~  
38 ~~shall be submitted as a joint waiver request for each participating~~  
39 ~~school district and shall meet both of the following conditions:~~



1 ~~(1) Each joint waiver request shall comply with all of the~~  
2 ~~requirements of this article.~~

3 ~~(2) The submission of a joint waiver request shall be approved~~  
4 ~~by a unanimous vote of the governing board of the joint powers~~  
5 ~~agency. The State Board of Education may not grant a waiver~~  
6 ~~request to allow a pupil to be admitted to a regional occupational~~  
7 ~~center or program or to credit his or her attendance to a regional~~  
8 ~~occupational center or program if the pupil has not attained the~~  
9 ~~age of 16 years, unless one of the following applies to the pupil:~~

10 ~~(1) The pupil is enrolled in grade 11 or 12.~~

11 ~~(2) The individualized education program of the pupil adopted~~  
12 ~~pursuant to the requirements of Chapter 2 (commencing with~~  
13 ~~Section 56300) of Part 30 prescribes occupational training for~~  
14 ~~which his or her enrollment in a regional occupational center or~~  
15 ~~program is deemed appropriate.~~

16 (f) The governing board of any school district requesting a  
17 waiver under this section of any provision of Article 5  
18 (commencing with Section 39390) of Chapter 3 of Part 23 shall  
19 provide written notice of any public hearing it conducted pursuant  
20 to subdivision (a), at least 30 days prior to the hearing, to each  
21 public agency identified under Section 39394.

22 *SEC. 34. Article 6 (commencing with Section 33380) of*  
23 *Chapter 3 of Part 20 of the Education Code is repealed.*

24 *SEC. 35. Article 12 (commencing with Section 33470) of*  
25 *Chapter 3 of Part 20 of the Education Code is repealed.*

26 *SEC. 36. Article 10.3 (commencing with Section 35294) of*  
27 *Chapter 2 of Part 21 of the Education Code is repealed.*

28 *SEC. 37. Article 10.4 (commencing with Section 35294.10) of*  
29 *Chapter 2 of Part 21 of the Education Code is repealed.*

30 *SEC. 38. Article 2 (commencing with Section 39820) of*  
31 *Chapter 1 of Part 23.5 of the Education Code is repealed.*

32 *SEC. 39. Article 9 (commencing with Section 41840) of*  
33 *Chapter 5 of Part 24 of the Education Code is repealed.*

34 *SEC. 40. Article 10 (commencing with Section 41850) of*  
35 *Chapter 5 of Part 24 of the Education Code is repealed.*

36 *SEC. 41. Section 41976 of the Education Code is repealed.*

37 ~~41976. (a) For purposes of this chapter, the following classes~~  
38 ~~and courses are authorized to be offered by school districts and~~  
39 ~~county superintendents of schools for apportionment purposes~~  
40 ~~from the adult education fund:~~

1     ~~(1) Adult programs in parenting, including parent cooperative~~  
2 ~~preschools, classes in child growth and development, and~~  
3 ~~parent-child relationships, and classes in parenting.~~

4     ~~(2) Adult programs in elementary and secondary basic skills~~  
5 ~~and other courses and classes required for the high school diploma.~~  
6 ~~Apportionments for these courses and classes may only be~~  
7 ~~generated by students who do not possess a high school diploma,~~  
8 ~~except for remedial academic courses or classes in reading,~~  
9 ~~mathematics, and language arts.~~

10    ~~(3) Adult education programs in English as a second language.~~

11    ~~(4) Adult education programs for immigrants eligible for~~  
12 ~~educational services in citizenship, English as a second language,~~  
13 ~~and workforce preparation classes in the basic skills of speaking,~~  
14 ~~listening, reading, writing, mathematics, decisionmaking and~~  
15 ~~problem-solving skills, and other classes required for preparation~~  
16 ~~to participate in job specific technical training.~~

17    ~~(5) Adult education programs for substantially handicapped~~  
18 ~~persons.~~

19    ~~(6) Adult short-term vocational programs with high~~  
20 ~~employment potential.~~

21    ~~(7) Adult programs for older adults.~~

22    ~~(8) Adult education programs for apprentices.~~

23    ~~(9) Adult programs in home economics.~~

24    ~~(10) Adult programs in health and safety education.~~

25    ~~(b) No state apportionment shall be made for any course or~~  
26 ~~class which is not set forth in subdivision (a).~~

27    ~~SEC. 42. Section 41976.1 of the Education Code is repealed.~~

28    ~~41976.1. Notwithstanding Section 41976, any school district~~  
29 ~~may offer adult education courses and classes in the adult~~  
30 ~~education programs described in Section 41976 provided that~~  
31 ~~district qualifies for funding to begin those courses or classes~~  
32 ~~pursuant to Section 52616.18.~~

33    ~~SEC. 43. Section 41976.2 of the Education Code is repealed.~~

34    ~~41976.2. Notwithstanding Section 41976, a school district~~  
35 ~~may offer adult education courses and classes if the school district~~  
36 ~~received funding in the 1991-92 fiscal year to conduct programs~~  
37 ~~through independent study for persons 21 years of age or older and~~  
38 ~~persons 19 years of age or older who have not been continuously~~  
39 ~~enrolled in kindergarten, or any of grades 1 to 12, inclusive, since~~  
40 ~~their 18th birthday.~~

1 *SEC. 44. Section 42239.15 of the Education Code is repealed.*  
2 ~~42239.15. (a) For the 2000-01 fiscal year and each fiscal~~  
3 ~~year thereafter, each school district and charter school shall be~~  
4 ~~eligible for reimbursement for hours of pupil attendance claimed~~  
5 ~~for intensive algebra instruction academies offered pursuant to~~  
6 ~~Chapter 18 (commencing with Section 53091) of Part 28 in an~~  
7 ~~amount up to 6 percent of the total enrollment in grades 7 and 8 of~~  
8 ~~the school district or charter school for the prior fiscal year~~  
9 ~~multiplied by 120 hours, multiplied by the hourly rate for the~~  
10 ~~current fiscal year determined pursuant to subdivision (c) of~~  
11 ~~Section 42239. This amount shall be provided in addition to the~~  
12 ~~amount provided pursuant to Section 42239.~~

13 ~~(b) When expending funds received pursuant to this section, a~~  
14 ~~school district shall give first priority for the purpose specified in~~  
15 ~~paragraph (1) of subdivision (d) of Section 53092.~~

16 *SEC. 45. Article 4.5 (commencing with Section 42290) of*  
17 *Chapter 7 of Part 24 of the Education Code is repealed.*

18 *SEC. 46. Article 4.7 (commencing with Section 42300) of*  
19 *Chapter 7 of Part 24 of the Education Code is repealed.*

20 *SEC. 47. Chapter 11.3 (commencing with Section 42920) of*  
21 *Part 24 of the Education Code is repealed.*

22 *SEC. 48. Section 44259.4 is added to the Education Code, to*  
23 *read:*

24 *44259.4. Notwithstanding any provision of law, except*  
25 *Sections 44332.6, 44340, 44346.1, and 44830.1, the commission*  
26 *shall issue a professional clear credential to the holder of a*  
27 *preliminary multiple subject, single subject, or education*  
28 *specialist teaching credential who attains certification from the*  
29 *National Board for Professional Teaching Standards. The*  
30 *professional clear credential issued pursuant to this section shall*  
31 *authorize the holder to teach in the area that the commission*  
32 *determines is equivalent to the certificate field in which the teacher*  
33 *received certification from the National Board for Professional*  
34 *Teaching Standards.*

35 *SEC. 49. Section 44274.3 is added to the Education Code, to*  
36 *read:*

37 *44274.3. Notwithstanding any provision of law except*  
38 *Sections 44332.6, 44340, 44346.1, and 44830.1, a teacher who is*  
39 *licensed to teach in a state other than California and who is*  
40 *certified by the National Board for Professional Teaching*

1 *Standards shall be issued a clear teaching credential authorizing*  
2 *the teacher to teach in the subject area in which the teacher has*  
3 *received national certification.*

4 *SEC. 50. Article 4.5 (commencing with Section 44279.1) of*  
5 *Chapter 2 of Part 25 of the Education Code is repealed.*

6 *SEC. 51. Article 13 (commencing with Section 44395) of*  
7 *Chapter 2 of Part 25 of the Education Code is repealed.*

8 *SEC. 52. Article 4.5 (commencing with Section 44500) of*  
9 *Chapter 3 of Part 25 of the Education Code is repealed.*

10 *SEC. 53. Article 7.5 (commencing with Section 44579) of*  
11 *Chapter 3 of Part 25 of the Education Code is repealed.*

12 *SEC. 54. Article 10.6 (commencing with Section 44650) of*  
13 *Chapter 3 of Part 25 of the Education Code is repealed.*

14 *SEC. 55. Article 3 (commencing with Section 44681) of*  
15 *Chapter 3.1 of Part 25 of the Education Code is repealed.*

16 *SEC. 56. Chapter 3.36 (commencing with Section 44735) of*  
17 *Part 25 of the Education Code is repealed.*

18 *SEC. 57. Chapter 3.44 (commencing with Section 44751) of*  
19 *Part 25 of the Education Code is repealed.*

20 *SEC. 58. Article 8.5 (commencing with Section 45370) of*  
21 *Chapter 5 of Part 25 of the Education Code is repealed.*

22 *SEC. 59. Section 46140 of the Education Code is amended to*  
23 *read:*

24 *46140. No pupil in a high school, other than a pupil enrolled*  
25 *in a regional occupational center or program, an evening high*  
26 *school, continuation high school, or continuation education class,*  
27 *shall be credited with more than one day of attendance in any*  
28 *calendar day and nothing in this article shall be construed to the*  
29 *contrary.*

30 *SEC. 60. Section 46140.1 of the Education Code is repealed.*

31 ~~46140.1. It is the intent of the Legislature that the term “pupil~~  
32 ~~in a vocational education program occupationally organized and~~  
33 ~~conducted under federal approval,” as used in Section 46140 as it~~  
34 ~~read prior to the enactment of Chapter 1230 of the Statutes of 1977,~~  
35 ~~applies only to pupils in regional occupational programs and~~  
36 ~~centers.~~

37 ~~Notwithstanding any provision of law to the contrary, no funds~~  
38 ~~appropriated by any act enacted prior to or after the enactment of~~  
39 ~~this section, shall be deemed appropriated or available for~~  
40 ~~expenditure for purposes of claims for attendance of pupils in~~

~~vocational education programs occupationally organized and conducted under federal approval, other than for attendance of pupils in regional occupational centers or programs, arising from Section 46140 as it read prior to the enactment of Chapter 1230 of the Statutes of 1977, except for appropriations to fund the Settlement Agreement entered into on March 4, 1983, by and between the Fullerton Union High School District and the State Department of Education of the State of California, the Superintendent of Public Instruction of the State of California, and the Local Assistance Bureau in connection with that action otherwise known as Fullerton Union High School District, et al. v. Wilson Riles, Superintendent of Public Instruction, et al., Orange County Superior Court No. 33-46-93; and the Settlement Agreement entered into on March 4, 1983, by and between Rowland Unified School District and the State Department of Education of the State of California, the Superintendent of Public Instruction of the State of California, and the Local Assistance Bureau in connection with that action otherwise known as Rowland Unified School District, et al., v. Wilson Riles, Superintendent of Public Instruction, et al., Los Angeles Superior Court No. C 323905.~~

*SEC. 61. Section 46140.5 of the Education Code is repealed.*

~~46140.5. Any school district which was credited with attendance of pupils pursuant to Section 46140 under a vocational education program occupationally organized and conducted under federal approval in 1976-77, other than a regional occupational program or regional occupational center, may request the county superintendent of schools to increase the district base revenue limit for fiscal year 1977-78 and fiscal years thereafter by the amount of revenue received on account of such vocational education attendance in 1976-77. The county superintendent, upon verification of such amounts, shall adjust the district's base revenue limit.~~

~~As a clarification of the intent of the law, a district, which had not submitted attendance documents of pupils pursuant to Section 46140 under a vocational education program occupationally organized and conducted under federal approval in 1976-77, other than a regional occupational program or regional occupational center, at the time the attendance reports were originally due, shall~~

1 ~~not have the right at a later date to submit amended attendance~~  
2 ~~documents to have credited this attendance.~~

3 *SEC. 62. Section 46141 of the Education Code is amended to*  
4 *read:*

5 46141. The minimum schoolday in any high school, except in  
6 an evening high school, ~~a regional occupational center~~, an  
7 opportunity school and in opportunity classes, a continuation high  
8 school, in continuation education classes, in late afternoon or  
9 Saturday occupationally organized vocational training programs  
10 conducted under a federally approved plan for vocational  
11 education, and for students enrolled in a work experience  
12 education program approved under ~~the provisions of Article 7~~  
13 ~~(commencing with Section 51760) of Chapter 5 of Part 28 of this~~  
14 ~~division~~, is 240 minutes.

15 *SEC. 63. Section 46145 of the Education Code is amended to*  
16 *read:*

17 46145. ~~Commencing with the first semester or quarter that~~  
18 ~~begins after January 1, 1984, pupils~~ Pupils in grade 12 shall be  
19 enrolled in at least five courses each semester or the equivalent  
20 number of courses per quarter. If any pupil in grade 12 is required  
21 by medical prescription to attend school for less than five courses  
22 during the semester or the equivalent number of courses during the  
23 quarter, the average daily attendance allowed for that pupil's  
24 attendance shall bear the same proportion to one day of attendance  
25 as the number of courses in which the pupil is enrolled bears to five  
26 or the equivalent number for the quarter system.

27 However, this requirement ~~shall~~ *does* not apply to pupils  
28 enrolled in ~~regional occupational programs, regional occupational~~  
29 ~~centers~~, courses at accredited postsecondary educational  
30 institutions, independent study, special education programs where  
31 the pupil's individualized education program establishes a  
32 different number of courses, continuation education classes, work  
33 experience education programs approved under the provisions of  
34 Article 7 (commencing with Section 51760) of Chapter 5 of Part  
35 28, or any other course of study authorized by the governing board  
36 which is equivalent to the approved high school course of study.

37 *SEC. 64. Article 7 (commencing with Section 46190) of*  
38 *Chapter 2 of Part 26 of the Education Code is repealed.*

39 *SEC. 65. Article 5 (commencing with Section 46351) of*  
40 *Chapter 3 of Part 26 of the Education Code is repealed.*



1     ~~SEC. 66. Section 47614.5 of the Education Code is repealed.~~

2     ~~47614.5.—(a) The Charter School Facility Grant Program is~~  
3 ~~hereby established and shall be administered by the State~~  
4 ~~Department of Education. This grant program is intended to~~  
5 ~~provide assistance with facilities rent and lease costs for pupils in~~  
6 ~~charter schools.~~

7     ~~(b) Subject to the annual Budget Act, eligible schools shall~~  
8 ~~receive an amount of up to, but no more than, seven hundred fifty~~  
9 ~~dollars (\$750) per unit of average daily attendance, as certified at~~  
10 ~~the second principal apportionment, to reimburse an amount of up~~  
11 ~~to, but no more than, 75 percent of the annual facilities rent and~~  
12 ~~lease costs for the charter school. In any fiscal year, if the funds~~  
13 ~~appropriated for the purposes of this section by the annual Budget~~  
14 ~~Act are insufficient to fund the approved amounts fully, the~~  
15 ~~Superintendent of Public Instruction shall apportion the available~~  
16 ~~funds on a pro rata basis.~~

17     ~~(c) The State Department of Education shall do all of the~~  
18 ~~following:~~

19     ~~(1) Inform charter schools of this program.~~

20     ~~(2) Upon application by a charter school, determine eligibility,~~  
21 ~~based on the geographic location of the charter schoolsite, pupil~~  
22 ~~eligibility for free or reduced price meals, and a preference in~~  
23 ~~admissions, as appropriate. Eligibility for funding may not be~~  
24 ~~limited to the grade level or levels served by the school whose~~  
25 ~~attendance area is used to determine eligibility. Charter schoolsites~~  
26 ~~are eligible for funding pursuant to this section if the charter~~  
27 ~~schoolsite meets either of the following conditions:~~

28     ~~(A) The charter schoolsite is physically located in the~~  
29 ~~attendance area of a public elementary school in which 70 percent~~  
30 ~~or more of the pupil enrollment is eligible for free or reduced~~  
31 ~~priced meals and the schoolsite gives a preference in admissions~~  
32 ~~to pupils who are currently enrolled in that public elementary~~  
33 ~~school, and to pupils who reside in the elementary school~~  
34 ~~attendance area where the charter schoolsite is located.~~

35     ~~(B) Seventy percent or more of the pupil enrollment at the~~  
36 ~~charter schoolsite is eligible for free or reduced price meals.~~

37     ~~(3) Inform charter schools of their grant eligibility.~~

38     ~~(4) Reimburse charter schools for eligible expenditures in a~~  
39 ~~timely manner.~~

~~(5) No later than June 30, 2005, report to the Legislature on the number of charter schools that have participated in this grant program under the expanded eligibility prescribed in paragraph (2). In addition, the report shall provide recommendations and suggestions on improving the program.~~

~~(d) Funding pursuant to this section shall not be apportioned for the following:~~

~~(1) Units of average daily attendance generated through nonclassroom-based instruction as defined by paragraph (2) of subdivision (d) of Section 47612.5 or that does not comply with conditions or limitations set forth in regulations adopted by the State Board of Education pursuant to this section.~~

~~(2) Charter schools occupying existing school district or county office of education facilities.~~

~~(3) Charter schools receiving reasonably equivalent facilities from their chartering authority pursuant to Section 47614.~~

~~(e) Funds made available pursuant to this section shall be used for costs associated with facilities rents and leases, consistent with the definitions used in the California School Accounting Manual. These funds may also be used for costs, including, but not limited to, costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment, and improving sites.~~

~~(f) If an existing charter school located in an elementary attendance area in which less than 50 percent of pupil enrollment is eligible for free or reduced price meals relocates to an attendance area identified in paragraph (2) of subdivision (e), admissions preference shall be given to pupils who reside in the elementary school attendance area into which the charter school is relocating.~~

~~(g) For each fiscal year, the Superintendent of Public Instruction shall annually report to the State Board of Education regarding the use of any funds that have been made available to each charter school from the grant program established pursuant to this section.~~

~~(h) It is the intent of the Legislature that ten million dollars (\$10,000,000) be appropriated for the Charter School Facility Grant Program for the grants authorized under this section for the 2001-02, 2002-03, and 2003-04 fiscal years.~~

*SEC. 67. Section 47634 of the Education Code is repealed.*

1     ~~47634. The Superintendent of Public Instruction shall~~  
2     ~~annually compute a categorical block grant amount for each~~  
3     ~~charter school as follows:~~

4     ~~(a) The superintendent shall compute, as of June 30, 1999, the~~  
5     ~~estimated statewide average amount of funding for other state~~  
6     ~~categorical aid per unit of average daily attendance received by~~  
7     ~~school districts in 1998-99, for each of four grade level ranges:~~  
8     ~~kindergarten and grades 1, 2, and 3; grades 4, 5, and 6; grades 7 and~~  
9     ~~8; and grades 9 to 12, inclusive. For purposes of this computation,~~  
10    ~~other state categorical aid is limited to the following programs:~~

11    ~~(1) The Agricultural Vocational Education Incentive Program,~~  
12    ~~as set forth in Article 7.5 (commencing with Section 52460) of~~  
13    ~~Chapter 9 of Part 28.~~

14    ~~(2) Apprentice education established pursuant to Article 8~~  
15    ~~(commencing with Section 8150) of Chapter 1 of Part 6.~~

16    ~~(3) The Beginning Teacher Support and Assessment System as~~  
17    ~~set forth in Article 4.5 (commencing with Section 44279.1) of~~  
18    ~~Chapter 2 of Part 25.~~

19    ~~(4) College preparation programs as set forth in Chapter 8~~  
20    ~~(commencing with Section 60830) of Part 33, the Academic~~  
21    ~~Improvement and Achievement Act as set forth in Chapter 12~~  
22    ~~(commencing with Section 11020) of Part 7, and the advanced~~  
23    ~~placement program as set forth in Chapter 8.3 (commencing with~~  
24    ~~Section 52240) of Part 28.~~

25    ~~(5) Community day schools as set forth in Article 3~~  
26    ~~(commencing with Section 48660) of Chapter 4 of Part 27.~~

27    ~~(6) The Demonstration Programs in Intensive Instruction as set~~  
28    ~~forth in Chapter 4 (commencing with Section 58600) of Part 31.~~

29    ~~(7) The School-Based Pupil Motivation and Maintenance~~  
30    ~~Program and Dropout Recovery Act, as set forth in Article 7~~  
31    ~~(commencing with Section 54720) of Chapter 9 of Part 29.~~

32    ~~(8) The Early Intervention for School Success Program, as set~~  
33    ~~forth in Article 4.5 (commencing with Section 54685) of Chapter~~  
34    ~~9 of Part 29.~~

35    ~~(9) Education Technology pursuant to Article 15 (commencing~~  
36    ~~with Section 51870.5) of Chapter 5 of Part 28.~~

37    ~~(10) Foster youth programs pursuant to Chapter 11.3~~  
38    ~~(commencing with Section 42920) of Part 24.~~

39    ~~(11) Gifted and talented pupil programs pursuant to Chapter 8~~  
40    ~~(commencing with Section 52200) of Part 28.~~

- 1     ~~(12) The Healthy Start Support Services for Children Act, as~~  
2 ~~set forth in Chapter 5 (commencing with Section 8800) of Part 6.~~  
3     ~~(13) High-risk first-time offenders programs pursuant to~~  
4 ~~Chapter 2 (commencing with Section 47760) of Part 26.95.~~  
5     ~~(14) The General Fund contribution to the State Instructional~~  
6 ~~Material Fund pursuant to Article 3 (commencing with Section~~  
7 ~~60240) of Chapter 2 of Part 33.~~  
8     ~~(15) Intersegmental programs for kindergarten and grades 1 to~~  
9 ~~12, inclusive, funded by Item 6110-230-0001 of Section 2.00 of~~  
10 ~~the Budget Act of 1998.~~  
11     ~~(16) Proposition 98 educational programs pursuant to Item~~  
12 ~~6110-231-0001 of Section 2.00 of the Budget Act of 1998.~~  
13     ~~(17) The California Mentor Teacher Program, as set forth in~~  
14 ~~Article 4 (commencing with Section 44490) of Chapter 3 of Part~~  
15 ~~25.~~  
16     ~~(18) The Miller-Unruh Basic Reading Act of 1965, as set forth~~  
17 ~~in Chapter 2 (commencing with Section 54100) of Part 29.~~  
18     ~~(19) The Morgan-Hart Class Size Reduction Act of 1989, as set~~  
19 ~~forth in Chapter 6.8 (commencing with Section 52080) of Part 28.~~  
20     ~~(20) Opportunity schools pursuant to Article 2 (commencing~~  
21 ~~with Section 48630) of Chapter 4 of Part 27.~~  
22     ~~(21) Partnership academics pursuant to Article 5 (commencing~~  
23 ~~with Section 54690) of Chapter 9 of Part 29.~~  
24     ~~(22) Mathematics staff development pursuant to Chapter 3.25~~  
25 ~~(commencing with Section 44695) and Chapter 3.33~~  
26 ~~(commencing with Section 44720) of Part 25.~~  
27     ~~(23) Improvement of elementary and secondary education~~  
28 ~~pursuant to Chapter 6 (commencing with Section 52000) of Part~~  
29 ~~28.~~  
30     ~~(24) The School Community Policing Partnership Act of 1998,~~  
31 ~~as set forth in Article 6 (commencing with Section 32296) of~~  
32 ~~Chapter 2.5 of Part 19.~~  
33     ~~(25) The School/Law Enforcement partnership funded by Item~~  
34 ~~6110-226-0001 of Section 2.00 of the Budget Act of 1998.~~  
35     ~~(26) Specialized secondary schools pursuant to Chapter 6~~  
36 ~~(commencing with Section 58800) of Part 31.~~  
37     ~~(27) School personnel staff development and resource centers~~  
38 ~~pursuant to Chapter 3.1 (commencing with Section 44670) of Part~~  
39 ~~25.~~

~~(28) Supplemental grant funding, not otherwise included in the programs described above, provided by Item 6110-230-0001 of Section 2.00 of the Budget Act of 1998.~~

~~(29) Academic progress and counseling review pursuant to Section 48431.6.~~

~~(30) The Schiff-Bustamante Standards-Based Instructional Materials Program as set forth in Chapter 3.5 (commencing with Section 60450) of Part 33.~~

~~(31) The Elementary School Intensive Reading Program, as set forth in Chapter 16 (commencing with Section 53025) of Part 28.~~

~~(32) The California Public School Library Protection Act, as set forth in Article 6 (commencing with Section 18175) of Chapter 2 of Part 11.~~

~~(33) The California Peer Assistance and Review Program for Teachers, as set forth in Article 4.5 (commencing with Section 44500) of Chapter 3 of Part 25.~~

Notwithstanding any other provision of law, charter schools that have received a block grant pursuant to this section shall not be eligible to receive separate funding for programs enumerated in paragraphs (1) to (33), inclusive, or any other state categorical aid programs established on or after July 1, 1999, that are included in the calculation made pursuant to this subdivision and for which charter schools are not required to apply separately.

(b) For purposes of the computation prescribed by subdivision (a), other state categorical aid may not include any of the following:

(1) Programs for which a charter school is required to apply separately.

(2) Programs that support, or are provided in lieu of, capital expenses.

(3) Funding for court-ordered or voluntary desegregation programs.

(4) Special education programs.

(5) Economic Impact Aid.

(6) Lottery funds.

(c) The superintendent shall annually adjust each of the resulting four amounts computed pursuant to subdivision (a) by the cumulative percentage change from the 1998-99 fiscal year, as annually calculated by the Director of Finance pursuant to Section 47634.5, in the total amount of state funding per unit of

~~average daily attendance received by K-12 local educational agencies for purposes that apply toward meeting the requirements of Section 8 of Article XVI of the California Constitution; exclusive of funding for adult education, child development programs, special education, Economic Impact Aid, revenue limits for school districts and county offices of education, and programs for which a charter school is required to apply separately.~~

~~(d) The superintendent shall multiply each of the four amounts computed in subdivision (c) by the charter school's average daily attendance in the corresponding grade level ranges.~~

~~(e) The superintendent shall compute the statewide average amount of funding per identified educationally disadvantaged pupil received by school districts in the current year pursuant to Article 2 (commencing with Section 54020) of Chapter 1 of Part 29. This amount shall be multiplied by the number of educationally disadvantaged pupils enrolled in the charter school. The resulting amount may, if greater than zero, not be less than the minimum amount of Economic Impact Aid funding to which a school district of similar size would be entitled pursuant to Section 54031. For purposes of this subdivision, a pupil who is eligible for subsidized meals pursuant to Section 49552 and is identified as an English language learner pursuant to subdivision (a) of Section 306 shall count as two pupils.~~

~~(f) The superintendent shall add the amounts computed in subdivisions (d) and (e). The resulting amount shall be the charter school's categorical block grant that the superintendent shall apportion to each charter school from funds appropriated for this purpose in the annual Budget Act or another statute.~~

~~(g) Notwithstanding any other provision of law, a charter school is not eligible to apply for funding under any of the programs the funding of which is included in the computation of the categorical block grant. The Superintendent of Public Instruction shall annually provide each charter school with a list of these programs and shall ensure that a charter school receives timely notification of the opportunity to apply for programs administered by the State Department of Education that are excluded from the categorical block grant.~~

~~(h) It is the intent of the Legislature to fully fund the categorical block grant and to appropriate additional funding that may be~~



1 ~~needed in order to compensate for unanticipated increases in~~  
2 ~~average daily attendance in charter schools.~~

3 ~~(i) Categorical block grant funding may be used for any~~  
4 ~~purpose determined by the governing body of the charter school.~~

5 *SEC. 68. Section 47634.3 of the Education Code is amended*  
6 *to read:*

7 47634.3. For purposes of ~~Sections 47633 and 47634~~ *Section*  
8 *47633*, the superintendent shall compute average daily attendance  
9 in each of grades 1 through 12, respectively, as follows:

10 (a) Distribute statewide total ungraded enrollment and average  
11 daily attendance among kindergarten and each of grades 1 through  
12 12, inclusive, in proportion to the amounts of graded enrollment  
13 and average daily attendance, respectively, in each of these grades.

14 (b) Multiply enrollment in each of grades 1 through 12,  
15 respectively, by the ratio of average daily attendance to enrollment  
16 in the applicable grade range: 1 through 3, inclusive, 4 through 6,  
17 inclusive; 7 and 8; and 9 through 12, inclusive.

18 *SEC. 69. Section 47634.5 of the Education Code is repealed.*

19 ~~47634.5. (a) The Director of Finance shall compute and~~  
20 ~~provide to the Superintendent of Public Instruction within 30 days~~  
21 ~~of the enactment of the Budget Act of 1999 the percentage change~~  
22 ~~calculated based on the Budget Act of 1999 and accompanying~~  
23 ~~statutes in the following:~~

24 ~~(1) The total amount of state funding per unit of average daily~~  
25 ~~attendance received by kindergarten and grades 1 to 12, inclusive,~~  
26 ~~local educational agencies in 1998-99 for purposes that apply~~  
27 ~~toward meeting the requirements of Section 8 of Article XVI of the~~  
28 ~~California Constitution for any fiscal year, exclusive of funding~~  
29 ~~for school district revenue limits, county offices of education,~~  
30 ~~adult education, child development programs, special education,~~  
31 ~~Economic Impact Aid, and programs for which a charter school is~~  
32 ~~required to apply separately.~~

33 ~~(2) The total amount of state funding per unit of average daily~~  
34 ~~attendance appropriated in the Budget Act of 1999 and related~~  
35 ~~implementing legislation for kindergarten and grades 1 to 12,~~  
36 ~~inclusive, local educational agencies for purposes which count~~  
37 ~~toward meeting the requirements of Section 8 of Article XVI of the~~  
38 ~~California Constitution for any fiscal year, exclusive of funding~~  
39 ~~for school district revenue limits, charter schools' general purpose~~  
40 ~~entitlements, county offices of education, adult education, child~~

1 development programs, special education, Economic Impact Aid,  
2 and programs for which a charter school is required to apply  
3 separately.

4 (b) Commencing in 2000, the Director of Finance shall  
5 annually compute and provide as part of the May revision to the  
6 Governor's Budget the percentage change in the following:

7 (1) The total amount of state funding per unit of average daily  
8 attendance received by kindergarten and grades 1 to 12, inclusive,  
9 local educational agencies in 1998-99 for purposes which count  
10 toward meeting the requirements of Section 8 of Article XVI of the  
11 California Constitution for any fiscal year, exclusive of funding  
12 for school district revenue limits, county offices of education,  
13 adult education, child development programs, special education,  
14 Economic Impact Aid, and programs for which a charter school is  
15 required to apply separately.

16 (2) The total amount of state funding per unit of average daily  
17 attendance proposed to be appropriated in the following year for  
18 kindergarten and grades 1 to 12, inclusive, local educational  
19 agencies in the budget year for purposes which count toward  
20 meeting the requirements of Section 8 of Article XVI of the  
21 California Constitution for any fiscal year, exclusive of funding  
22 for school district revenue limits, charter schools' general-purpose  
23 entitlements, county offices of education, adult education, child  
24 development programs, special education, Economic Impact Aid,  
25 and programs for which a charter school is required to apply  
26 separately.

27 (c) (1) Notwithstanding subdivision (b), commencing in  
28 2002, the Director of Finance shall annually compute and provide  
29 to the Superintendent of Public Instruction within 30 days of the  
30 enactment of the annual Budget Act the cumulative percentage  
31 change between the amounts calculated pursuant to subparagraphs  
32 (A) and (B).

33 (A) The total amount of state funding per unit of average daily  
34 attendance received by kindergarten and grades 1 to 12, inclusive,  
35 local educational agencies in 1998-99 for purposes that count  
36 toward meeting the requirements of Section 8 of Article XVI of the  
37 California Constitution for any fiscal year, exclusive of funding  
38 for school district revenue limits, county offices of education,  
39 adult education, child development programs, special education,

1 Economic Impact Aid, and programs for which a charter school is  
2 required to apply separately.

3 (B) ~~The total amount of state funding per unit of average daily~~  
4 ~~attendance appropriated in the annual Budget Act and related~~  
5 ~~implementing legislation for kindergarten and grades 1 to 12,~~  
6 ~~inclusive, to local educational agencies for purposes that count~~  
7 ~~toward meeting the requirements of Section 8 of Article XVI of the~~  
8 ~~California Constitution for that fiscal year, exclusive of funding~~  
9 ~~for school district revenue limits, charter schools' general purpose~~  
10 ~~entitlements, county offices of education, adult education, child~~  
11 ~~development programs, special education, Economic Impact Aid,~~  
12 ~~and programs for which a charter school is required to apply~~  
13 ~~separately. The Director of Finance shall not include in the~~  
14 ~~calculation made to determine the amount required pursuant to this~~  
15 ~~paragraph reappropriations of funding that previously counted~~  
16 ~~toward meeting the requirements of Section 8 of Article XVI of the~~  
17 ~~California Constitution for any fiscal year.~~

18 (2) ~~As part of providing the calculation required pursuant to~~  
19 ~~paragraph (1), the Department of Finance shall provide the State~~  
20 ~~Department of Education with a comprehensive list of categorical~~  
21 ~~programs that are included in the Charter School Categorical~~  
22 ~~Block Grant.~~

23 *SEC. 70. Part 26.95 (commencing with Section 47750) of the*  
24 *Education Code is repealed.*

25 *SEC. 71. Section 48431.6 of the Education Code is repealed.*  
26 ~~48431.6. (a) The governing board of each district~~  
27 ~~maintaining high schools and accepting funds made available for~~  
28 ~~purposes of this section shall establish and maintain a program~~  
29 ~~which ensures that each pupil, upon reaching the age of 16 or prior~~  
30 ~~to the end of the 10th grade, whichever occurs first, has received~~  
31 ~~a systematic review of his or her academic progress and counseling~~  
32 ~~regarding the educational options available to the pupil during the~~  
33 ~~final two years of high school. The program shall be adopted at a~~  
34 ~~public meeting of the governing board and shall include, but not~~  
35 ~~be limited to, all of the following:~~

36 (1) ~~Provision for individualized review of the pupil's academic~~  
37 ~~and deportment records.~~

38 (2) ~~Provision for a meeting with the pupil and where feasible,~~  
39 ~~with the pupil's parent or guardian, to explain the pupil's record,~~  
40 ~~the educational options available to the pupil, the coursework and~~

1 ~~academic progress needed for satisfactory completion of high~~  
2 ~~school, and the effect of that coursework and academic progress~~  
3 ~~upon the pupil's options for postsecondary education and~~  
4 ~~employment. Educational options shall include, but not be limited~~  
5 ~~to, regional occupational centers and programs, continuation~~  
6 ~~schools, academic programs, and any other alternatives available~~  
7 ~~to pupils of the district.~~

8 ~~(3) Provision for services of teachers, counselors, and others~~  
9 ~~designated by the governing board to provide the individualized~~  
10 ~~review and assistance to pupils pursuant to paragraphs (1) and (2).~~  
11 ~~To the maximum extent feasible, regional occupational center or~~  
12 ~~program counselors shall actively participate in, and the local~~  
13 ~~business community shall be involved in, career guidance~~  
14 ~~activities.~~

15 ~~(b) The program shall give first priority to identifying pupils~~  
16 ~~who are not earning credits at a rate which will enable them to~~  
17 ~~graduate with the rest of their class, and to providing these pupils~~  
18 ~~with counseling services funded pursuant to Section 48431.7.~~

19 *SEC. 72. Section 48431.7 of the Education Code is repealed.*  
20 ~~48431.7. Funds appropriated for purposes of Section 48431.6~~  
21 ~~shall supplement, and shall not supplant, existing funding for~~  
22 ~~counseling services. Out of funds appropriated for those purposes,~~  
23 ~~the Superintendent of Public Instruction shall apportion twenty~~  
24 ~~dollars (\$20) per prior year's enrollment in grade 10 to each school~~  
25 ~~district which has adopted a program pursuant to Section 48431.6.~~

26 *SEC. 73. Article 2 (commencing with Section 48630) of*  
27 *Chapter 4 of Part 27 of the Education Code is repealed.*

28 *SEC. 74. Article 2.3 (commencing with Section 48643) of*  
29 *Chapter 4 of Part 27 of the Education Code is repealed.*

30 *SEC. 75. Section 49550.3 of the Education Code is amended*  
31 *to read:*

32 49550.3. (a) Because a hungry child cannot learn, the  
33 Legislature intends, as a state nutrition and health policy, that the  
34 School Breakfast Program be made available in all schools where  
35 it is needed to provide adequate nutrition for children in  
36 attendance.

37 (b) The State Department of Education shall, in cooperation  
38 with school districts and county superintendents of schools,  
39 provide information ~~and limited financial assistance to encourage~~

~~program startup and expansion into all qualified schools, as follows:~~

~~(1) Provide information to school districts and county superintendents of schools concerning the benefits and availability of the School Breakfast Program.~~

~~(2) Each year, provide additional information and financial assistance to schools in the state, selected on the following criteria:~~

~~(A) Twenty percent or more of the school enrollment consists of children who have applied and qualify for free and reduced-price meals.~~

~~(B) The school has not been awarded federal startup funds to initiate a school breakfast program or a summer food service program.~~

~~(c) The department shall award grants of up to fifteen thousand dollars (\$15,000) per schoolsite on a competitive basis to school districts, county superintendents of schools, or entities approved by the State Department of Education, limited to an amount subject to budget appropriations each fiscal year, for nonrecurring expenses incurred in initiating or expanding a school breakfast program under this section or a summer food service program pursuant to Article 10.7 (commencing with Section 49547).~~

~~(d) Grants awarded under this section shall be used for nonrecurring costs of initiating or expanding a school breakfast program or a summer food service program, including the acquisition of equipment, training of staff in new capacities, outreach efforts to publicize new or expanded school breakfast programs or summer food service programs, minor alterations to accommodate new equipment, computer point-of-service systems for food service, and the purchase of vehicles for transporting food to schools. Funds may not be used for salaries and benefits of staff, food, computers, except computer point-of-service systems, or capital outlay.~~

~~(e) In making grant awards under this section in any fiscal year, the department shall give a preference to school districts and county superintendents of schools that do all of the following:~~

~~(1) Submit to the department a plan to start or expand school breakfast programs or summer food service programs in the district or the county, including a description of the following:~~

1 ~~(A) The manner in which the district or county will provide~~  
2 ~~technical assistance and funding to schoolsites to expand those~~  
3 ~~programs.~~

4 ~~(B) Detailed information on the nonrecurring expenses needed~~  
5 ~~to initiate a program.~~

6 ~~(C) Public or private resources that have been assembled to~~  
7 ~~carry out expansion of these programs during that year.~~

8 ~~(2) Agree to operate the breakfast program or the summer food~~  
9 ~~service program for a period of not less than three years.~~

10 ~~(3) Assure that the expenditure of funds from state and local~~  
11 ~~resources for the maintenance of the breakfast program or the~~  
12 ~~summer food service program shall not be diminished as a result~~  
13 ~~of grant awards received under this section.~~

14 *SEC. 76. Section 51056 of the Education Code is repealed.*

15 ~~51056. A course of study for each adult school shall be~~  
16 ~~prepared under the direction of the governing board of the district~~  
17 ~~maintaining the adult school and shall be subject to approval of the~~  
18 ~~Department of Education.~~

19 *SEC. 77. Section 51871 of the Education Code is amended to*  
20 *read:*

21 51871. ~~(a)~~ The California Technology Assistance Project  
22 shall be established by the State Department of Education to  
23 administer a regionalized network of technical assistance to  
24 schools and school districts on the implementation of education  
25 technology as set forth in policies of the State Board of Education.  
26 The California Technology Assistance Project shall be composed  
27 of regional consortia that will work collaboratively with school  
28 districts and county offices of education in order to meet locally  
29 defined technology-based needs, as identified in the certified  
30 technology plans for their client school districts, including, but not  
31 necessarily limited to, all of the following areas:

32 ~~(1)~~

33 ~~(a)~~ Staff development.

34 ~~(2)~~

35 ~~(b)~~ Learning resources.

36 ~~(3)~~

37 ~~(c)~~ Hardware.

38 ~~(4)~~

39 ~~(d)~~ Telecommunications infrastructure.

40 ~~(5)~~



1 (e) Technical assistance to school districts in developing a  
2 support system to operate and maintain an education technology  
3 infrastructure, including improving pupil recordkeeping and  
4 tracking related to pupil instruction.

5 ~~(6)~~

6 (f) Coordination with other federal, state, and local programs.

7 ~~(7)~~

8 (g) Funding.

9 ~~(b) The State Board of Education shall award grants to fund a~~  
10 ~~school district or county office of education in each region of the~~  
11 ~~California Technology Assistance Project to act as the lead agency~~  
12 ~~to administer the services of that region. The term of a grant~~  
13 ~~awarded pursuant to this section may not exceed three years. Grant~~  
14 ~~funding may be awarded and received for subsequent terms of~~  
15 ~~three years as provided in this section. The lead agency shall be~~  
16 ~~chosen through a process based on all of the following:~~

17 ~~(1) Knowledge of technology.~~

18 ~~(2) Technology planning and technical assistance.~~

19 ~~(3) A proven record of success in providing staff development~~  
20 ~~in technology and curriculum integration.~~

21 ~~(4) A demonstrated ability to work collaboratively with school~~  
22 ~~districts, county offices of education, and businesses in the region.~~

23 ~~(5) The ability to deliver services specified in this article to all~~  
24 ~~school districts and county offices of education in its region.~~

25 ~~(6) The degree of support for the application by school districts~~  
26 ~~and county offices of education in the region.~~

27 ~~(7) Review of the annual report of the services provided by the~~  
28 ~~lead agency submitted to the State Board of Education and school~~  
29 ~~districts and county offices of education within the California~~  
30 ~~Technology Assistance Project region. School districts and county~~  
31 ~~offices of education within a California Technology Assistance~~  
32 ~~Project region shall have the opportunity to comment on the report.~~

33 ~~(c) To receive funding for the second and third year of a grant~~  
34 ~~awarded pursuant to subdivision (b), a lead agency shall submit an~~  
35 ~~annual report to the State Board of Education for approval that~~  
36 ~~describes the services provided, the persons served, and the funds~~  
37 ~~expended for those services in the prior year. School districts and~~  
38 ~~county offices of education within the California Technology~~  
39 ~~Assistance Project region shall have an opportunity to comment on~~  
40 ~~the report. The State Department of Education shall release grant~~

1 funding for a second or third year only after the annual report has  
2 been approved by the State Board of Education.

3 ~~(d) Funding to support the regional education technology~~  
4 ~~services provided by the California Technology Assistance Project~~  
5 ~~shall be provided through the annual Budget Act. Funding of the~~  
6 ~~regional lead agencies shall be approved by the State Board of~~  
7 ~~Education based on adopted guidelines.~~

8 *SEC. 78. Section 51871.3 of the Education Code is repealed.*

9 ~~51871.3. The Commission on Technology in Learning is~~  
10 ~~hereby established to make policy recommendations to the State~~  
11 ~~Board of Education in areas including, but not necessarily limited~~  
12 ~~to, all of the following:~~

13 ~~(a) Statewide planning for technology, including a statewide~~  
14 ~~master plan for use of education technology in California's~~  
15 ~~elementary and secondary instructional program which, at a~~  
16 ~~minimum, includes all of the following:~~

17 ~~(1) A process for annually updating the plan according to~~  
18 ~~changing educational needs and emerging technological~~  
19 ~~developments.~~

20 ~~(2) The use of multiple technologies.~~

21 ~~(3) The coordination of technology programs with other~~  
22 ~~appropriate state education programs including programs for blind~~  
23 ~~and disabled pupils.~~

24 ~~(4) The integration of technology to assure alignment with state~~  
25 ~~and federal education initiatives where appropriate.~~

26 ~~(5) The active involvement of business and industry.~~

27 ~~(6) A comprehensive evaluation process that is aligned with the~~  
28 ~~state's overall educational program evaluation system.~~

29 ~~(7) Provisions for working with the California Technology~~  
30 ~~Assistance Project and other agencies, as appropriate, to~~  
31 ~~implement policies of the State Board of Education and programs~~  
32 ~~of the State Department of Education to aid in the use of~~  
33 ~~technology in the delivery of instruction.~~

34 ~~(8) Strategies for seeking and leveraging public and private~~  
35 ~~funding.~~

36 ~~(9) Consideration of the role of education technology to~~  
37 ~~supplement California's learning improvement objectives.~~

38 ~~(10) An evaluation of the distribution of existing technology~~  
39 ~~resources and recommendations on ensuring access for all pupils.~~

1 ~~(11) Comprehensive discussion of the effectiveness of using~~  
2 ~~technology as a learning tool and the appropriate uses of~~  
3 ~~technology in the delivery of instruction.~~

4 ~~(12) It is the intent of the Legislature that the statewide master~~  
5 ~~plan for use of education technology be incorporated into any~~  
6 ~~future comprehensive kindergarten and grades 1 to 12, inclusive,~~  
7 ~~statewide education master plan.~~

8 ~~(b) Dissemination of technology resources, including all of the~~  
9 ~~following:~~

10 ~~(1) The development, identification, and access to information~~  
11 ~~about programs, products, and practices that meet established~~  
12 ~~technical criteria and state adopted content standards.~~

13 ~~(2) The development of guidelines for the regional and~~  
14 ~~statewide dissemination of information and services through the~~  
15 ~~California Technology Assistance Project.~~

16 ~~(c) The development of guidelines to aid in the ongoing~~  
17 ~~comprehensive statewide evaluation of technology,~~  
18 ~~telecommunications, and distance learning programs that directly~~  
19 ~~and indirectly affect California education in kindergarten and~~  
20 ~~grades 1 to 12, inclusive.~~

21 *SEC. 79. Section 51871.4 of the Education Code is repealed.*

22 ~~51871.4. (a) The Commission on Technology in Learning~~  
23 ~~shall consist of 14 members who shall be appointed as follows:~~

24 ~~(1) The Superintendent of Public Instruction shall appoint two~~  
25 ~~representatives in accordance with the following:~~

26 ~~(A) One of the representatives shall be from a county office of~~  
27 ~~education.~~

28 ~~(B) One of the representatives shall be a public member from~~  
29 ~~an organization representing California school boards.~~

30 ~~(2) The Governor shall appoint one practicing public school~~  
31 ~~administrator from an organization representing California~~  
32 ~~administrators, one business representative with experience in~~  
33 ~~applications of technology, one practicing public school~~  
34 ~~elementary teacher from an organization representing California~~  
35 ~~teachers, one library media specialist from an association~~  
36 ~~representing library media specialists, one public member with~~  
37 ~~expertise in the application of technology, and one practicing~~  
38 ~~public school secondary teacher from an organization representing~~  
39 ~~technology-using educators. The Governor, in consultation with~~  
40 ~~the President of the University of California, the Chancellor of the~~

~~California State University, and the Chancellor of the California Community Colleges, shall appoint two additional members representing public postsecondary institutions.~~

~~(3) The Senate Committee on Rules shall appoint one business representative with experience in applications of technology and one practicing public school administrator with expertise in technology infrastructure.~~

~~(4) The Speaker of the Assembly shall appoint one business representative with experience in applications of technology and one practicing public school elementary teacher from an organization representing California teachers.~~

~~(5) The President of the State Board of Education shall appoint a nonvoting liaison to the Commission on Technology in Learning. The Curriculum Development and Supplemental Materials Commission shall appoint a nonvoting liaison to the Commission on Technology in Learning. The Executive Director of the California Postsecondary Education Commission shall appoint a nonvoting liaison to the Commission on Technology in Learning.~~

~~(b) No private business entity shall have more than one of its officers or employees serving as a member of the commission. In making the appointments, the Governor, the President pro Tempore of the Senate, and the Speaker of the Assembly shall consult and cooperate so that not more than one representative of any single private business entity is serving on the commission at any time.~~

~~(c) Members shall be knowledgeable about applications of technology in an educational setting and shall be selected based on documentation of that experience.~~

~~(d) It is the intent of the Legislature that the members of the commission broadly represent the unique perspectives of all of the stakeholders in a collaborative process.~~

~~(e) Members shall serve without compensation, except that members shall be reimbursed for necessary reasonable expenses incurred for attending meetings of the commission.~~

~~(f) It is the intent of the Legislature that the members will be subject to the conflict-of-interest provisions of the Political Reform Act of 1974, as set forth in Title 9 (commencing with Section 81000) of the Government Code.~~

~~(g) Meetings of the Commission on Technology in Learning shall be open to the public and shall be conducted in accordance~~

1 ~~with the Bagley-Keene Open Meeting Act (Article 9~~  
2 ~~(commencing with Section 11120) of Chapter 1 of Part 1 of~~  
3 ~~Division 3 of Title 2 of the Government Code).~~

4 *SEC. 80. Section 51872 of the Education Code is repealed.*

5 ~~51872. (a) The State Department of Education shall~~  
6 ~~administer this article. The duties of the State Department of~~  
7 ~~Education shall include, but are not necessarily limited to, the~~  
8 ~~following:~~

9 ~~(1) Assisting the State Board of Education on education~~  
10 ~~technology plans, policies, programs, and activities.~~

11 ~~(2) Providing support staff to the Commission on Technology~~  
12 ~~in Learning to make recommendations to the State Board of~~  
13 ~~Education.~~

14 ~~(3) Providing for the statewide coordination, planning, and~~  
15 ~~evaluation of education technology programs and resources.~~

16 ~~(4) Advancing the use of technology in the curriculum and in~~  
17 ~~the administration of elementary and secondary schools.~~

18 ~~(b) Funding to support the activities described in subdivision~~  
19 ~~(a), including educational technology services which are more~~  
20 ~~efficiently and effectively delivered at a statewide level, shall be~~  
21 ~~provided to the State Department of Education through the annual~~  
22 ~~Budget Act. Based upon recommendations from the California~~  
23 ~~Technology Assistance Project and other interested parties, the~~  
24 ~~State Board of Education shall fund school districts and county~~  
25 ~~offices of education to provide centralized statewide educational~~  
26 ~~technology services that address locally defined needs but that are~~  
27 ~~more efficiently and effectively provided on a statewide basis.~~

28 *SEC. 81. Section 51873 of the Education Code is repealed.*

29 ~~51873. School districts, county offices of education, and state~~  
30 ~~special schools may apply to the State Board of Education to~~  
31 ~~participate in grant programs related to education technology,~~  
32 ~~including, but not limited to, staff development, research and~~  
33 ~~development, and evaluation and dissemination of education~~  
34 ~~technology resources.~~

35 *SEC. 82. Section 51874 of the Education Code is repealed.*

36 ~~51874. Sections 51871, 51872, 51873, this section, and the~~  
37 ~~heading of this article shall remain in effect only until January 1,~~  
38 ~~2005, and as of that date is repealed, unless a later enacted statute,~~  
39 ~~that is enacted before January 1, 2005, deletes or extends that date.~~

1 SEC. 83. Chapter 6 (commencing with Section 52000) of Part  
2 28 of the Education Code is repealed.

3 SEC. 84. Chapter 6.5 (commencing with Section 52060) of  
4 Part 28 of the Education Code is repealed.

5 SEC. 85. Chapter 6.8 (commencing with Section 52080) of  
6 Part 28 of the Education Code is repealed.

7 SEC. 86. Article 4 (commencing with Section 52180) of  
8 Chapter 7 of Part 28 of the Education Code is repealed.

9 SEC. 87. Chapter 8 (commencing with Section 52200) of Part  
10 28 of the Education Code is repealed.

11 SEC. 88. Chapter 8.3 (commencing with Section 52240) of  
12 Part 28 of the Education Code is repealed.

13 SEC. 89. Section 52247 of the Education Code is repealed.

14 ~~52247. (a) The Advanced Placement Challenge Grant~~  
15 ~~Program is hereby established to assist California public high~~  
16 ~~schools in providing access to rigorous, academically challenging,~~  
17 ~~college-level courses to interested and prepared pupils in the state.~~

18 ~~(b) Commencing in the 2000-01 fiscal year, the~~  
19 ~~Superintendent of Public Instruction shall administer the~~  
20 ~~Advanced Placement Challenge Grant Program. A school district~~  
21 ~~may apply on behalf of eligible schools in its jurisdiction to the~~  
22 ~~Superintendent of Public Instruction for the award of a grant~~  
23 ~~pursuant to this section.~~

24 ~~(c) Only a high school meeting the following criteria during the~~  
25 ~~1999-2000 academic year is eligible to receive funding pursuant~~  
26 ~~to this section:~~

27 ~~(1) Schools offering three or fewer advanced placement~~  
28 ~~courses, or in the case of multitrack schools, three or fewer~~  
29 ~~advanced placement courses per track. Schools meeting this~~  
30 ~~criteria shall have first priority for funding.~~

31 ~~(2) Schools not offering advanced placement courses in either~~  
32 ~~mathematics or science. Schools meeting this criteria shall have~~  
33 ~~second priority for funding.~~

34 ~~(3) Schools with low college participation rates. Schools~~  
35 ~~meeting this criteria shall have third priority for funding.~~

36 ~~(4) Schools with a majority of pupils who qualify for free or~~  
37 ~~reduced price meals. Schools meeting this criteria shall have~~  
38 ~~fourth priority for funding.~~

39 ~~(d) All schools meeting a higher priority criteria shall receive~~  
40 ~~funding before any school meeting a lower priority criteria may~~



1 ~~receive funding, subject to a maximum of 550 high schools~~  
2 ~~participating in this program.~~

3 ~~(e) In the 2000-01 fiscal year, the Superintendent of Public~~  
4 ~~Instruction shall award nonrenewable four-year grants in the~~  
5 ~~annual amounts of thirty thousand dollars (\$30,000), twenty-two~~  
6 ~~thousand five hundred dollars (\$22,500), fifteen thousand dollars~~  
7 ~~(\$15,000), and seven thousand five hundred dollars (\$7,500)~~  
8 ~~respectively, on a competitive basis to no more than 550 public~~  
9 ~~high schools. The Superintendent of Public Instruction shall notify~~  
10 ~~school districts and county offices of education of the availability~~  
11 ~~of these grant funds, which are intended to increase a recipient~~  
12 ~~school's capacity to offer advanced placement courses.~~

13 ~~(f) In addition to any funding received pursuant to this section,~~  
14 ~~a school district that qualifies for first priority funding pursuant to~~  
15 ~~paragraph (1) of subdivision (e) may also qualify for first priority~~  
16 ~~grants under the Education Technology Grant Program (Chapter~~  
17 ~~8.6 (commencing with Section 52270)) in order to provide access~~  
18 ~~to online advanced placement courses for pupils, upon enactment~~  
19 ~~of Assembly Bill 2882 of the 1999-2000 Regular Session.~~

20 ~~(g) The grants shall be used exclusively for the following~~  
21 ~~activities:~~

22 ~~(1) Establishing, training, and supporting vertical teams of~~  
23 ~~teachers, as defined in this section.~~

24 ~~(2) Providing an incentive for schools to offer additional~~  
25 ~~advanced placement courses by purchasing instructional materials~~  
26 ~~and equipment for those courses.~~

27 ~~(3) Tutoring and instructional support services for pupils, both~~  
28 ~~in preparation for and during, advanced placement coursework.~~

29 ~~(h) As a condition of receiving funds pursuant to this section,~~  
30 ~~a high school shall do all of the following:~~

31 ~~(1) Design and implement a plan that will result in its pupils~~  
32 ~~having access, no later than the beginning of the 2001-02~~  
33 ~~academic year, to a minimum of four advanced placement courses~~  
34 ~~in core curriculum areas. A high school participating in this~~  
35 ~~program shall commit to increase to 50 percent or more the number~~  
36 ~~of pupils enrolled in each advanced placement course taking the~~  
37 ~~advanced placement examination or to a 10 percent increase in the~~  
38 ~~number of advanced placement test takers in each course from the~~  
39 ~~previous year, whichever is greater.~~

~~(2) Make every effort to ensure that its pupils and their parents or guardians are informed about both of the following:~~

~~(A) The school's efforts to provide pupil access to advanced placement courses.~~

~~(B) The use of technology by the school to provide pupil access to advanced placement courses.~~

~~(3) Utilize tutoring and support services such as those provided under the Advancement Via Individual Determination program and encourage pupils to utilize distance learning options for advanced placement course offerings. A participating school's plan should include a variety of strategies, including, but not limited to, those specified above to increase access to advanced placement courses.~~

~~(4) To the extent possible, include feeder middle schools in developing a pre-advanced placement program.~~

~~(5) Pre-advanced placement programs shall include, but not be limited to, professional development of teachers and school counselors, vertical teams, curriculum development focused on skills and knowledge needed for advanced placement readiness, academic support for advanced placement pupils, and notification to its pupils and their parents about the availability and importance of advanced placement courses.~~

~~(i) The Superintendent of Public Instruction shall contract for an independent evaluation of the effectiveness of the Advanced Placement Challenge Grant Program and report its findings to the Governor and the Legislature on or before August 1, 2002.~~

~~(j) For purposes of this section, "vertical team" means a group of educators from different grade levels in a given discipline who work cooperatively to develop and implement a vertically aligned program aimed at helping pupils acquire the academic skills necessary to prepare them to successfully undertake advanced placement coursework.~~

~~(k) Nothing in this section shall be construed to require any action or expenditure on the part of a school district in excess of the amount of funding provided for the purposes of this program or that would require reimbursement by the Commission on State Mandates pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

~~(l) Funds provided for the purposes of this section shall supplement existing programs or services provided at a qualifying high school that are consistent with this section and may not be used to supplant funding for those programs and services.~~

~~(m) For purposes of this section, high schools receiving grants pursuant to this section may utilize the services of county offices of education, including, but not limited to, services for providing access to advanced placement courses to small, rural schools.~~

SEC. 90. Article 1 (commencing with Section 52300) of Chapter 9 of Part 28 of the Education Code is repealed.

SEC. 91. Article 1.5 (commencing with Section 52335) of Chapter 9 of Part 28 of the Education Code is repealed.

SEC. 92. Article 7.5 (commencing with Section 52460) of Chapter 9 of Part 28 of the Education Code is repealed.

SEC. 93. Article 8 (commencing with Section 52480) of Chapter 9 of Part 28 of the Education Code is repealed.

SEC. 94. Chapter 10 (commencing with Section 52500) of Part 28 of the Education Code is repealed.

SEC. 95. Article 7 (commencing with Section 52900) of Chapter 12 of Part 28 of the Education Code is repealed.

SEC. 96. Chapter 12.5 (commencing with Section 52920) of Part 28 of the Education Code is repealed.

SEC. 97. Article 1 (commencing with Section 53025) of Chapter 16 of Part 28 of the Education Code is repealed.

SEC. 98. Chapter 18 (commencing with Section 53091) of Part 28 of the Education Code is repealed.

SEC. 99. Chapter 19 (commencing with Section 53200) is added to Part 28 of the Education Code, to read:

CHAPTER 19. INSTRUCTIONAL IMPROVEMENT BLOCK GRANT

53200. (a) The instructional improvement block grant program for kindergarten and grades 1 to 12, inclusive, is hereby established. It is the intent of the Legislature to provide local educational agencies with greater flexibility to address their priority needs for support of classroom education using funds provided for this purpose through the annual Budget Act and Sections 92.2 and 92.3 of the Revenue and Taxation Code.

(b) For purposes of this chapter, a “local educational agency” is a school district, county office of education, charter school, or

1 *Indian education agency, that received direct categorical funding*  
2 *from the state in the 2002–03 fiscal year, or is thereafter authorized*  
3 *by the State Board of Education as a local educational agency*  
4 *eligible for the receipt of funds.*

5 *(c) A local educational agency shall use the block grant for the*  
6 *purposes of professional development, instructional materials and*  
7 *technology, specialized and targeted instruction programs, school*  
8 *safety, pupil services, and facilities maintenance or any for the*  
9 *general purposes authorized by the following sections as they read*  
10 *on January 1, 2003:*

11 *(1) Chapter 4 (commencing with Section 400) of Part 1, which*  
12 *relates to the English Language Acquisition Program.*

13 *(2) Sections 1904, 1908, 1909, and 1909.5 and Article 9*  
14 *(commencing with Section 41840) of Chapter 5 of Part 24, which*  
15 *relate to the education of prisoners.*

16 *(3) Article 8 (commencing with Section 8150) of Chapter 1 of*  
17 *Part 6, which relates to apprenticeship education.*

18 *(4) Sections 8532, 8533, 8534, 8535, 8536, 8637, 8538, 41976,*  
19 *41976.1, 41976.2, and 51056, Article 7 (commencing with Section*  
20 *46190) of Chapter 2 of Part 26, Article 5 (commencing with*  
21 *Section 46351) of Chapter 3 of Part 26, and Chapter 10*  
22 *(commencing with Section 52500) of Part 28, which relate to adult*  
23 *education.*

24 *(5) Sections 17583, 17584, 17584.1, 17585, 17586, 17587,*  
25 *17588, 17589, 17590, 17591, and 17592, which relate to deferred*  
26 *maintenance.*

27 *(6) Part 8.5 (commencing with Section 13000), which relates*  
28 *to the civil liberties public education.*

29 *(7) Article 8 (commencing with Section 18202) of Chapter 2 of*  
30 *Chapter 4 of Part 11, which relates to classroom library materials.*

31 *(8) Article 6 (commencing with Section 33380) of Chapter 3 of*  
32 *Part 20, which relate to Indian education centers.*

33 *(9) Article 12 (commencing with Section 33470) of Chapter 3*  
34 *of Part 20, which relates the intergenerational education*  
35 *programs.*

36 *(10) Sections 35179.1, 35179.2, and 35179.3, which relate to*  
37 *coaching education and training.*

38 *(11) Article 2 (commencing with Section 39820) of Chapter 1*  
39 *of Part 23.5, Article 10 (commencing with Section 41850) of*  
40 *Chapter 5 of, Article 4.5 (commencing with Section 42290) of*

Chapter 7 of, and Article 4.7 (commencing with Section 42300) of Chapter 7 of, Part 24 which relate to transportation.

(12) Chapter 11.3 (commencing with Section 42920) of Part 24, which relates to the education of foster children.

(13) Article 4.5 (commencing with Section 44279.1) of Chapter 2 of Part 25, which relates to beginning teacher support and assessment.

(14) Article 13 (commencing with Section 44395) of Chapter 2 of Part 25, which relates to incentives for certification from the National Board for Professional Teaching Standards.

(15) Article 4.5 (commencing with Section 44500) of Chapter 3 of Part 25, which relates to peer assistance and review for teachers.

(16) Article 7.5 (commencing with Section 44579) of Chapter 3 of Part 25, which relates to staff development.

(17) Article 10.6 (commencing with Section 44650) of Chapter 3 of Part 25, which relates to performance awards for teachers.

(18) Article 3 (commencing with Section 44681) of Chapter 3.1 of Part 25, which relates to administrator training and evaluation.

(19) Chapter 3.36 (commencing with Section 44735) of Part 25, which relates to the teaching as a priority block grant.

(20) Chapter 3.44 (commencing with Section 44751) of Part 25, which relates to teacher recruitment centers.

(21) Article 8.5 (commencing with Section 45370) of Chapter 5 of Part 25, which relates to readers for legally blind teachers.

(22) Article 5 (commencing with Section 46351) of Chapter 3 of Part 26, which relates to interdistrict attendance agreements.

(23) Section 47614.5 which relates to grants for charter school facilities.

(24) Sections 47634 and 47635, which relate to charter school funding.

(25) Article 2 (commencing with Section 48630) of, and Article 2.3 (commencing with Section 48643) of, Chapter 4 of Part 27, which relate to opportunity schools.

(26) Sections 51870.5, 51871.3, 51871.4, 51872, 51873, and 51874, relating to education technology.

(27) Chapter 6 (commencing with Section 52000) of Part 28, which relate to improvement of elementary and secondary education.

- 1 (28) Chapter 6.5 (commencing with Section 52060) of Part 28,  
2 which relates to programs of early childhood education for  
3 American Indians.
- 4 (29) Chapter 6.8 (commencing with Section 52080) of Part 28,  
5 which relates to class size reduction in grade 9.
- 6 (30) Article 4 (commencing with Section 52180) of Chapter 7  
7 of Part 28, which relates to training assistance for bilingual  
8 teachers.
- 9 (31) Section 52247, which relates to the Advanced Placement  
10 Challenge Grant Program.
- 11 (32) Sections 46140.1 and 46140.5 and Article 1 (commencing  
12 with Section 52300) and Article 1.5 (commencing with Section  
13 52335) of Chapter 9 of Part 28, which relate to regional  
14 occupational centers and programs.
- 15 (33) Article 7.5 (commencing with Section 52460) of Chapter  
16 9 of Part 28, which relates to incentives for agricultural career  
17 technical education.
- 18 (34) Article 8 (commencing with Section 52480) of Chapter 9  
19 of Part 28, which relates to the Institute for Computer Technology.
- 20 (35) Article 1 (commencing with Section 53025) of Chapter 16  
21 of Part 28, which relates to the Elementary School Intensive  
22 Reading Program.
- 23 (36) Chapter 17 (commencing with Section 53080) of Part 28,  
24 which relates to school to career initiatives.
- 25 (37) Section 42239.15 and Chapter 18 (commencing with  
26 Section 53091) of Part 28, which relate to intensive algebra  
27 instruction.
- 28 (38) Article 1 (commencing with Section 54000) and Article 2  
29 (commencing with Section 54020) of Chapter 1 of Part 29, which  
30 relate to economic impact aid.
- 31 (39) Chapter 2 (commencing with Section 54100) of Part 29,  
32 which relates to the Miller-Unruh reading program.
- 33 (40) Chapter 2.5 (commencing with Section 54200) of Part 29,  
34 which relates to grants for targeted instructional improvement.
- 35 (41) Article 4.5 (commencing with Section 54685) of Chapter  
36 9 of Part 29, which relates to the Early Intervention for School  
37 Success Program.
- 38 (42) Article 5 (commencing with Section 54690) of Chapter 9  
39 of Part 29, which relate to partnership academies.



1 (43) Article 9 (commencing with Section 54760) of Chapter 9  
2 of Part 29, which relates to supplemental grants.

3 (44) Chapter 6 (commencing with Section 58800) of Part 31,  
4 which relates to specialized secondary programs.

5 (45) Sections 60420, 60421, and 60424, which relate to  
6 instructional materials.

7 (46) Chapter 7 (commencing with Section 93300) of Part 65,  
8 which relates to the Student Academic Partnership Program.

9 (d) A local educational agency that is required to comply with  
10 court orders for desegregation shall first use the instructional  
11 improvement block grant funds for that purpose.

12 53201. (a) The Superintendent of Public Instruction shall  
13 prorate funds appropriated for the instructional improvement  
14 block grant to each local educational agency on an average daily  
15 attendance basis, so that funding for an agency that received  
16 categorical funding in the 2002–03 fiscal year is proportional to  
17 the total amount of state funds provided to each local educational  
18 agency per unit of average daily attendance in 2002–03 fiscal year  
19 for the programs listed in subdivision (c) of Section 53200  
20 compared to the total of appropriations for those programs in the  
21 2002–03 fiscal year divided by the total average daily attendance  
22 in the 2002–03 fiscal year. New charter schools shall receive  
23 prorated funding on an average daily attendance basis from within  
24 the share of funding for charter schools determined above and all  
25 other charter school block grant funding allocations shall be  
26 adjusted accordingly.

27 (b) Payments from the block grant to local educational  
28 agencies shall be made pursuant to the schedule in Section 14041.  
29 Initial payments may not be made any later than 30 days after  
30 enactment of the Budget Act or the first date provided under  
31 Section 14041, whichever date is later. For purposes of  
32 determining final allocations for each year, the department shall  
33 use average daily attendance as certified at the second principal  
34 apportionment. The Superintendent of Public Instruction shall  
35 adjust any over or under funding at the first and second principal  
36 apportionment.

37 53202. Notwithstanding Chapter 3.5 (commencing with  
38 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
39 Code, all regulations that are authorized by statutes that have been  
40 repealed that created the instructional improvement block grant

1 are inoperative as of the effective date of the act adding this section  
2 and are deemed repealed, except as provided in Section 53203.

3 53203. (a) To the extent the National Board Certification  
4 Incentives program created a statutory entitlement prior to July 1,  
5 2003, to some person or persons for payment of funds at some time  
6 after the repeal of the authorizing statute, the entitlement shall  
7 remain and each school district, county office of education,  
8 charter school, or other agency receiving funds from the  
9 instructional improvement block grant is responsible for making  
10 those payments from instructional improvement block grant funds.  
11 Upon appropriation of funds for the instructional improvement  
12 block grant, the Superintendent of Public Instruction shall first set  
13 aside eleven million five hundred thousand dollars (\$11,500,000)  
14 to reimburse local educational agencies for participants receiving  
15 National Board Certification prior to July 1, 2003. The  
16 Superintendent of Public Instruction shall reimburse payments  
17 from the block grant appropriation upon certification from a local  
18 education agency that it and the persons claiming the payment  
19 complied with all of the program requirements as they existed  
20 before their repeal.

21 (b) To the extent necessary to administer payments for fiscal  
22 years in which categorical programs repealed to create the  
23 categorical block grant were funded or to reimburse payments as  
24 authorized in subdivision (a), the statutory provisions and any  
25 related regulations shall be deemed to be in effect.

26 (c) A school district, county office of education, charter school,  
27 or other educational agency receiving funds from the instructional  
28 improvement block grant is not obligated to continue any program  
29 or offer any service provided pursuant to any program repealed,  
30 as of July 1, 2003, to create the block grant. Any contracts or other  
31 obligations that continue after June 30, 2003, that local education  
32 agencies entered into in anticipation of continued funding for the  
33 repealed categorical programs are a local responsibility not  
34 mandated by the state. After June 30, 2003, a local educational  
35 agency may voluntarily continue any program or create any  
36 obligation authorized pursuant to any of the repealed statutes but  
37 no obligation for those local actions shall attach to the State of  
38 California by virtue of those voluntary actions.

39 SEC. 100. Article 1 (commencing with Section 54000) of  
40 Chapter 1 of Part 29 of the Education Code is repealed.

1 SEC. 101. Article 2 (commencing with Section 54020) of  
2 Chapter 1 of Part 29 of the Education Code is repealed.  
3 SEC. 102. Chapter 2 (commencing with Section 54100) of  
4 Part 29 of the Education Code is repealed.  
5 SEC. 103. Chapter 2.5 (commencing with Section 54200) of  
6 Part 29 of the Education Code is repealed.  
7 SEC. 104. Article 4.5 (commencing with Section 54685) of  
8 Chapter 9 of Part 29 of the Education Code is repealed.  
9 SEC. 105. Article 5 (commencing with Section 54690) of  
10 Chapter 9 of Part 29 of the Education Code is repealed.  
11 SEC. 106. Article 7 (commencing with Section 54720) of  
12 Chapter 9 of Part 29 of the Education Code is repealed.  
13 SEC. 107. Article 7.1 (commencing with Section 54740) of  
14 Chapter 9 of Part 29 of the Education Code is repealed.  
15 SEC. 108. Article 9 (commencing with Section 54760) of  
16 Chapter 9 of Part 29 of the Education Code is repealed.  
17 SEC. 109. Chapter 3.5 (commencing with Section 58550) of  
18 Part 31 of the Education Code is repealed.  
19 SEC. 110. Chapter 5.5 (commencing with Section 58730) of  
20 Part 31 of the Education Code is repealed.  
21 SEC. 111. Chapter 6 (commencing with Section 58800) of  
22 Part 31 of the Education Code is repealed.  
23 SEC. 112. Section 60420 of the Education Code is repealed.  
24 ~~60420. The Instructional Materials Funding Realignment~~  
25 ~~Program is hereby established and shall be administered by the~~  
26 ~~Superintendent of Public Instruction.~~  
27 SEC. 113. Section 60421 of the Education Code is repealed.  
28 ~~60421. (a) The State Department of Education shall~~  
29 ~~apportion funds appropriated for purposes of this chapter to school~~  
30 ~~districts on the basis of an equal amount per pupil enrolled in~~  
31 ~~kindergarten and grades 1 to 12, inclusive, in the prior year,~~  
32 ~~excluding summer school, adult, and regional occupational center~~  
33 ~~and regional occupational programs enrollment. Enrollment shall~~  
34 ~~be certified by the Superintendent of Public Instruction and based~~  
35 ~~on data as reported by the California Basic Education Data System~~  
36 ~~count. A school district or charter school in its first year of~~  
37 ~~operation or of expanding grade levels at a schoolsite shall be~~  
38 ~~eligible to receive funding pursuant to this chapter based on~~  
39 ~~enrollment estimates provided to the State Department of~~  
40 ~~Education by the school district or charter school. As a condition~~

1 of receipt of funding, a school district or charter school in its first  
2 year of operation or of expanding grade levels at a school site shall  
3 provide enrollment estimates, as approved by the school district  
4 governing board or charter school's charter granting local  
5 educational agency and the county office of education in which the  
6 school district or charter school's charter granting agency is  
7 located. These estimates and associated funding shall be adjusted  
8 for actual enrollment as reported by the subsequent California  
9 Basic Education Data System.

10 (b) For the purposes of this chapter, the term "school district"  
11 means a school district, county office of education, or charter  
12 school, and the term "local governing board" means the  
13 governing board of a school district, county board of education, or  
14 governing body of a charter school.

15 (c) Allowances established pursuant to this chapter shall be  
16 apportioned to school districts in September of each fiscal year.

17 (d) Notwithstanding any other provision of law, pursuant to  
18 subdivision (g) of Section 60200, the State Board of Education  
19 may authorize a school district to use any state basic instructional  
20 materials allowance to purchase standards-aligned materials as  
21 specified within this part.

22 *SEC. 114. Section 60422 of the Education Code is amended*  
23 *to read:*

24 60422. (a) A local governing board shall use funding  
25 received pursuant to this chapter to that uses its block grant  
26 funding for instructional materials shall ensure that each pupil is  
27 provided with a standards-aligned textbook or basic instructional  
28 materials, as adopted by the State Board of Education subsequent  
29 to the adoption of content standards pursuant to Section 60605 for  
30 kindergarten and grades 1 to 8, inclusive, or as adopted by the local  
31 governing board pursuant to Sections 60400 and 60411, for grades  
32 9 to 12, inclusive. Pupils shall be provided with standards-aligned  
33 textbooks or basic instructional materials by the beginning of the  
34 first school term that commences no later than 24 months after  
35 those materials were adopted by the State Board of Education.

36 (b) Once a governing board certifies compliance with  
37 subdivision (a) with regard to standards-aligned instructional  
38 materials in the core curriculum areas of reading/language arts,  
39 mathematics, science, and history/social sciences, and if the  
40 governing board of a school district has met the eligibility

requirements of Section 60119, the remaining funds may only be used consistent with subdivision (a) of Section 60242 and pursuant to Section 60242.5.

(c) The State Board of Education may grant the school district additional time to meet the purchasing requirements of subdivision (a) if the governing board of the school district demonstrates, to the satisfaction of the state board, that all of the following criteria apply to the district:

(1) The school district has implemented a well-designed, standards-aligned basic instructional materials program.

(2) The school district, at the time of its request for additional time pursuant to this subdivision, has sufficient textbooks or basic instructional materials for use by each pupil.

(3) The school district has adopted a plan for the purchase of standards-aligned instructional materials in accordance with subdivision (a) but that plan indicated an alternative date for compliance that is declared in the request for additional time.

(d) The funds provided for the purchase of instructional materials in Schedules 1 and 2 of Item 6110-189-0001 and paragraph 6 of Item 6110-485 of Section 2.00 of the Budget Act of 2002 shall be used for the purposes of, and allocated consistent with, this chapter.

*SEC. 115. Section 60424 of the Education Code is repealed.*  
~~60424. This chapter shall be administered for purposes of funding as if it had been in effect at the beginning of the 2002-03 fiscal year. This chapter shall become inoperative on July 1, 2007, and, as of January 1, 2008, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2008, deletes or extends the dates on which it becomes operative and is repealed.~~

*SEC. 116. Chapter 8 (commencing with Section 60830) of Part 33 of the Education Code is repealed.*

*SEC. 117. The balance remaining in the Reader Employment Fund established by Section 45371 of the Education Code as of the effective date of this act shall revert to the Proposition 98 Reversion Account.*

~~Outdoor Advertising Act in order to enhance the business climate within the jurisdiction of cities, counties, school districts, and~~

- 1 ~~special districts and to create a new source of revenue for those~~
- 2 ~~local agencies.~~

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